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THE

LOCAL AND SPECIAL LAWS

OF

IDAHO TERRITORY.

REMAINING IN FORCE JUNE 1, 1887.

Printed by Direction of the Fourteenth Session of the
Legislative Assembly.

BOISE CITY, IDAHO
PRINTED FOR THE TERRITORY
1887

HENRY GIBSON,
PRINTER AND BINDER,
OMAHA, NEB

ERRATA.

- Page 88. Section 319 line 8 strike out *name* and insert [*number*]
Page 99. Section 392 line 5 after *county* insert *paid*
Page 118. Section 496 line 7 strike out *one* and insert *eight*
Page 125. Section 537 line 1 strike out *the* and insert *that* and strike out *that* preceding *territory* and insert *the*
Page 138. Section 595 line 1, strike out *or* after *agent* and insert *of*
Page 148. Section 774 paragraph 5 line 8 strike out *when* and insert *which*
Page 179. chapter heading line 5 strike out *no*
Page 180. 6th line from top of page, after *which* insert *plat*
Page 188. date of approval of act for redemption of warrants should be 1877
Page 189. Section 808, end of line 4 add *ing*
Page 191. Section 812 2d paragraph, line 1, strike out 1856 and insert 1866

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PART I.

SPECIAL ACTS APPLICABLE THROUGHOUT THE TERRITORY.

AN ACT TO PROVIDE FOR CONTINUING IN FORCE CERTAIN SPECIAL AND LOCAL LAWS AND REPEALING ALL OTHERS.

SECTION

1 Special and local laws continued in force, repeal of all others

SECTION

2 Compilation of this volume.

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

1. (Section 1.) That the following special and local laws must remain and continue in force, as the only special or local laws of this Territory, and all other special or local laws, not included herein or continued in force by or included in the Revised Statutes are hereby repealed.

Special and local laws continued in force. Repeal.

2. (Sec. 2.) The Secretary and Attorney-General of the Territory are authorized to make such changes in the table of contents, the index, and the numbers of the sections hereinafter, as will make the same correspond with the changes made by the Legislative Assembly, in the compilation of such special laws, as submitted by the commission on revision.

Compilation.

3. (Sec. 3.) This act must take effect and be in force from and after its passage.

[Approved February 10, 1887. In effect immediately.]

COUNCIL JOINT RESOLUTION No. 18.

SECTION

4 Printing and binding the revised statutes; printing special and local laws; appropriation; Secretary and Attorney-General authorized to contract

Be it resolved by the legislative assembly of the Territory of Idaho, as follows:

4. That for the printing and binding of one thousand volumes of the revised statutes of the territory, and the insertion therein of an introduction, the declaration of independence, the constitution of the United States; such provisions of the revised statutes of the United States as are applicable to the Territory; for copying the revised statutes and general laws, and acts enacted and adopted by the fourteenth legislative assembly, and for printing and publishing three hundred copies of the unrepealed special laws, and the incidental expenses connected therewith, the sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the territorial treasury, not otherwise appropriated; that the

Printing and binding Revised Statutes

Special Laws.

Appropriation.

Contracts.

Payment.

Secretary of the Territory and the territorial Attorney-General, are authorized to have such work properly done, and to make jointly all necessary contracts to carry out the provisions of this resolution; and they must certify all accounts contracted in pursuance hereof, to the controller, who must audit the same and draw his warrant therefor upon the Treasurer, who must pay the same out of any money in the treasury, not otherwise appropriated, but not exceeding the amount above named.

[Approved February 9. 1887. In effect immediately.]

COUNCIL JOINT RESOLUTION, No. 23.

SECTION

5. General laws passed at the fourteenth session to be included in the revised statutes.

SECTION

6. Acts repealed by revised statutes and not revived by amendment at the fourteenth session

General Laws of
14 Ses. to be
included in R. S.

Repealed clauses
to be omitted.

Repealed acts
not revived.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

5. That in preparing for publication the Revised Statutes and the general laws passed at this session of the Legislative Assembly of Idaho, the person named in the council joint resolution No. 18, may, when practicable, insert general laws in their proper place in the Revised Statutes, and number the sections consecutively with the sections of the Revised Statutes, preserving the original number, when necessary, in parenthesis with a marginal note, showing when the act took effect; and may omit the printing of any parts of the Revised Statutes clearly repealed.

6. The fact that any act which, after June 1, 1887, is repealed by the Revised Statutes, is referred to or amended by an act of the present session, must not be construed as continuing in force such repealed act after June 1, 1887.

[Approved February 10, 1887. In effect immediately.]

PROVIDING FOR THE ISSUING AND REDEMPTION OF NEW BONDS.

AN ACT providing for the issuing and redemption of new bonds, to be interchangeable for the bonds of the Territory of Idaho, issued under the provisions of acts of the Legislative Assembly, approved respectively January 12th, 1866, and January 14th, 1867, for the sale and negotiation of such new bonds in certain cases, and for the repeal of the acts above mentioned.

[Approved, January 8, 1875.]

SECTION

7. Notice to bond holders of issue of new bonds.

8. New bonds to be issued and form of.

9. Coupons.

10. Record of bonds with description thereof.

11. New bonds exchanged for old.

12. Treasurer to sell bonds for cash to redeem old bonds.

13. Notice to holders of old bonds.

SECTION

14. Proposals for disposal of old bonds examined.

15. Proposal accepted and old bonds surrendered.

16. New bonds, how issued and charged.

17. Payment of bonds, provision for.

18. Same.

19. Payment of interest on old bonds.

20. Repeal of old acts.

21. Expenses, how paid.

22. Notices may be in writing.

Notice to bond-
holders of issue
of new bonds.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

7. (Section 1.) The Territorial Treasurer shall, prior to the first day of December, A. D., 1875, notify each and every holder of the bonds of the Territory of Idaho, issued

under and by virtue of two acts of the Legislative Assembly of said Territory, approved respectively January 12th, 1866, and January 14th, 1867, or their agents, that, on the said first day of December, A. D., 1875, and for and during the period of six months next thereafter, at his office in Boise City, in said Territory, he will, in exchange for the bonds issued as aforesaid, due or not due, issue to such stockholder or holders, new bonds bearing date, the day of their delivery, payable at the office of the Territorial Treasurer, on the first day of December, A. D., 1885, in United States coin, with interest at the rate of ten per centum, payable in United States coin semi-annually, on the first day of June and December in each year, upon the presentation and surrender of interest coupons, as hereinafter provided, which said exchange shall be made dollar for dollar, including interest due and unpaid upon the first mentioned bonds at the time of such exchange, *provided*, that in case the interest of any such bonds shall have been paid up to the first of December, 1875, the Treasurer shall give in exchange a new bond equal in amount to the face of the old bond, and shall make the interest on the new bond commence on the said first day of December, 1875.

8. (Sec. 2.) The Territorial Treasurer shall cause the new bonds provided for in the foregoing section, before being issued for the purpose aforesaid, or for the purpose hereinafter mentioned, to be signed by the Governor of the Territory of Idaho, and countersigned by the Secretary of said Territory, who shall fix thereto the seal of said Territory, and shall be endorsed on the back thereof by the Territorial Controller, and the said new bonds shall be in the following form, namely:

New bonds to
issue and form
of.

UNITED STATES OF AMERICA, {
TERRITORY OF IDAHO. }

Ten per cent. Coin Bond of the Territory of Idaho.

The Territory of Idaho hereby acknowledges that said Territory owes and agrees to pay to the bearer of this bond, the sum of ——— dollars in United States coin, at the office of the Territorial Treasurer, at Boise City, in said Territory, on the first day of December, A. D., 1885, with interest thereon at the rate of ten per centum per annum, payable semi-annually, on the first day of June and December in each year, at the office of said Territorial Treasurer, in United States coin, upon the presentation and surrender of the proper interest coupons, hereto attached, until the principal of this bond shall have been paid; and the faith of said Territory is hereby pledged for the payment of the principal and interest of this bond, and for which purpose the necessary taxes shall be levied and collected.

This bond is one of a series of similar bonds issued under and by virtue of an act of the Legislative Assembly of said Territory approved——, 18——

In witness whereof, the governor of said Territory has hereunto set his hand, and the secretary of said Territory has countersigned the same, and affixed thereto the seal of said Territory at Boise City, this——day of——187——

..... Secretary of Idaho.

..... Governor of Idaho.

Coupons.

9. Sec. 3. Coupons for the interest on said new bonds shall be attached to each bond so that the same can be removed without injury to the bond, and such coupons shall be consecutively numbered from one to twenty, and shall show on their face the time of payment and the amount to be paid on each of them, and they shall be signed by the territorial treasurer.

Record of bonds with description of.

10. (Sec. 4.) It shall be the duty of the territorial treasurer and the territorial controller, each to keep a record of each and every bond issued hereunder, showing the date, amount, and number of such bond and the person to whom issued, and also a record of each and every bond taken up in exchange as above provided, showing the number and amount of such bond, and the date of such exchange.

New bonds exchanged for old.

11. (Sec. 5.) Upon the presentation and surrender of any bond issued under, and by virtue of either of the acts aforesaid, for exchange, as provided for in this act, it shall be the duty of the territorial treasurer to compute the amount of principal and interest at that time due on said bond and endorse the same on the back thereof, and after he shall have made a record of such bond, as in section four of this act provided, he shall deliver the same to the territorial controller, who shall make a record thereof as in said section provided; and shall, on the back of said bond, write the word "cancelled," together with the date of said cancellation, and file the same in his office; and thereupon the territorial treasurer shall issue to the person so presenting and surrendering any such bond, as in this section provided, a new bond of equal amount with the bond so surrendered, and shall also fill up and sign the coupons as in section three of this act provided, and shall, after procuring the signature of the governor, and the counter signature of the secretary, together with the territorial seal thereon, present the same to the territorial controller, which latter officer shall make a record of the same as herein before provided, and shall deliver the bond so executed to the person entitled thereto.

Treasurer to sell bonds for cash to redeem old bonds.

12. (Sec. 6.) After the expiration of six months from the first day of December, A. D., 1875, if there shall be any of the said old bonds, issued under the act aforesaid, still outstanding and not surrendered for exchange, as in this act provided, it shall be the duty of the territorial treasurer, and he is hereby authorized and empowered, to negotiate and sell for cash at a discount of not more than ten per cent. from par value, a sufficient amount of said new bonds, as authorized in this act, to redeem and pay the principal and interest of such old, outstanding and unexchanged bonds.

Notice to holders of old bonds.

13. (Sec. 7.) In case the territorial treasurer shall make such negotiations and sale, in whole or in part, as in the foregoing section provided, he shall immediately thereafter notify the holder or holders of such outstanding old bond or bonds, that he is ready to receive sealed proposals for the surrender of such bonds, not exceeding in amount the amount of the proceeds of the sale or sales of the new bonds, made as aforesaid by the treasurer.

Proposals for disposal of old bonds examined.

14. (Sec. 8.) After the expiration of thirty days from the giving of such notice, the territorial treasurer and territorial controller shall open such sealed proposals and accept the

lowest bid or bids for the surrender of such old bonds; *provided*, that no bid for more than par value shall be accepted, and that the lowest bidder shall be deemed to be those who offer the largest amount of bonds at par value for the smallest amount of money.

15. (Sec. 9.) When any bid or bids are accepted as in the foregoing section provided, the territorial treasurer shall redeem the bond or bonds mentioned in the bid or bids accepted, by paying to the holder or holders thereof the sums mentioned in such bid or bids, and shall receive the surrender of such bond or bonds, and he shall make a record of such surrendered bond or bonds, as herein before provided, and shall then deliver the same to the territorial controller, who shall make a record thereof and cancel the same as above provided for exchanged bonds.

Proposals accepted and old bonds surrendered.

16. (Sec. 10.) Before the territorial treasurer shall deliver any bond or bonds, negotiated or sold, as in this act provided, he shall, after procuring the names of the governor and secretary, with the territorial seal, as in section five of this act provided, in case of new bonds to be exchanged, present the same to the territorial controller, who shall make a record thereof, and endorse the same as in case of interchangeable bonds, and the treasurer shall, from the date of such record, be chargeable with such bond or bonds, to be accounted for by the proceeds of the sale thereof, or in a return to and cancellation of such bond or bonds by the controller.

New bonds, how issued and charged.

17. (Sec. 11.) For the prompt payment of the interest of the bonds issued under and by virtue of this act, there shall be and is hereby, from and after the first day of December, A. D. 1875, and until the final redemption of such bonds, annually set apart and appropriated from monies in the territorial treasury an amount sufficient to pay promptly the semi-annual interest on such bonds; and such sum, so set apart and appropriated, shall be applied by the territorial treasurer exclusively to the payment of such interest on the presentation, and surrender of the coupons as aforesaid.

Payment of bonds, how provided.

18. (Sec. 12.) From and after the first day of December, A. D. 1880, the legislative assembly of Idaho territory, shall by law provide for the setting apart of an annual sum from monies in the territorial treasury sufficient to meet the payment of the principal of said bonds at their maturity.

Same.

19. (Sec. 13.) There shall be and is hereby appropriated and set apart from the monies paid into the territorial treasury for the fiscal year beginning December 1st, 1874, a sum sufficient to pay the unpaid interest coupons of all the bonds issued under and by virtue of the acts of January 12th, 1866, and January 14th, 1867, up to December 1st, 1875.

Payment of interest on old bonds.

20. (Sec. 14.) That an act approved January 12th, 1866, entitled "an act to provide for funding the indebtedness of the Territory of Idaho," and an act approved January 14th, 1867, entitled "an act for funding the indebtedness of the general fund of the treasury of Idaho territory, and all claims thereon accruing from and after December 1st, 1865, and to authorize the issuance of territorial bonds therefor," be and are hereby each and both repealed.

Repeal of old acts.

21. (Sec. 15.) That the sum of five hundred dollars, or so much thereof as may be necessary for the purpose, is here-

Expenses, how paid.

by appropriated out of any moneys in the Territorial treasury not otherwise appropriated, for the payment of the expense that may be incurred in the preparation of the new bonds, provided for in this act, and for such other expenses in the premises as may be unavoidable in the execution of the provisions of this act.

Notices may be
in writing.

22. (Sec. 16.) Whenever in this act it is required of the Territorial Treasurer to give any notice to the holder or holders of bonds, he may do so in writing, in case he knows the place of residence of such holder or holders, or he may do so by publication in some newspaper of this Territory, in case he has no knowledge of such residence.

AN ACT TO PROVIDE FOR REFUNDING TERRITORIAL BONDS.

[Approved January 9, 1877.]

Section.	SECTION	SECTION
	23. Bond form of, by Treasurer.	28. Treasurer to give notice to bond holders.
	24. Bonds, description of, when payable.	29. Payment of bonds.
	25. How executed and registered	30. Expenses.
	26. Exchange for old bonds.	31. No more bonds to issue under old acts.
	27. Interest.	

Be it enacted by the Legislative Assembly of Idaho, as follows:

Bond form of,
by Treasurer.

23. (Section 1.) The Territorial Treasurer shall, without delay, prepare a form of bond, to be approved by the Governor, and procure the same to be suitably engraved or lithographed, to be used in refunding the outstanding bonds of the Territory of Idaho, now past due and unpaid.

Bonds, descrip-
tion of, when
payable.

24. (Sec. 2.) Said bonds shall be in amount for one thousand dollars, five hundred dollars, and for fractional sums when necessary. The principal thereof shall be payable at the treasury, in gold coin of the United States, on the first day of December, in the year one thousand eight hundred and ninety-one. The interest thereon shall be at the rate of ten per cent. per annum in gold coin of the United States, payable at the treasury semi-annually, on the first days of June and December, in each year, upon the presentation of the proper coupons or interest warrants, therefor, which shall have been prepared and attached to said bonds.

How executed
and registered.

25. (Sec. 3.) Said bonds shall be signed by the Governor, and bear the seal of the Territory attested by the Secretary thereof. The coupons shall be signed by the Treasurer. Each bond shall, when executed, be registered by the Territorial Controller in a book, with its number, amount, date, and in whose favor drawn, the fact and date of registration to be endorsed by him on such bond. When so executed and registered such bonds shall be exchanged and delivered by the Treasurer as hereinafter provided.

Exchanged for
old bonds

26. (Sec. 4.) On the presentation by the holder thereof of any bond or bonds of the Territory of Idaho heretofore issued under the acts of January 12th, 1866, and January 14th, 1867, now outstanding and remaining a charge against said Territory, it shall be the duty of the Treasurer to make exchange, giving in exchange a bond or bonds herein provided for, with addition of ten per cent. in favor of such holder upon all bonds presented prior to the first day of June, 1877, and five per cent. on all thereafter presented prior to the

first day of December, 1877. No addition to be thereafter allowed.

27. (Sec. 5.) No interest shall be included in the body of the bonds hereby authorized. The Treasurer shall pay on presentation and demand, all interest on the old bonds which had accrued on the first day of December, 1876, and interest on the new bonds shall run from that date. Interest

28. (Sec. 6.) The Treasurer shall on the passage hereof give notice of the provisions of this act, by circular or otherwise to the holders of now outstanding bonds. He shall keep a book of registration and therein enter the number and amount of each bond issued and to whom, and also the number and amount of bond received, and the interest then paid thereon, if any be due. All bonds and coupons so redeemed shall be immediately cancelled. He shall deliver all bonds and coupons so redeemed under the provisions of this act to the Territorial Controller, and the Controller shall register the bonds and coupons so redeemed in a book of registration to be kept by him, in like manner as required by the Treasurer; and all bonds and coupons now in the hands of the Treasurer, and redeemed under the provisions of this act, shall be turned over to the Controller and registered in like manner. All bonds and coupons redeemed by the Treasurer under the provisions of this act, shall be safely kept by the Controller, to await the action of the finance and ways and means committees of the Legislative Assembly, and it shall be the duty of said joint committee during each session of the Legislature hereafter, to examine and check off all bonds and coupons redeemed under the provisions of this act, and if found correct to destroy the same in presence of the Treasurer and Controller. (As amended 1879.) Treasurer to give notice to bondholders.

29. (Sec. 7.) For the payment of the bonds herein authorized and the interest thereon, according to the strict terms thereof, the faith of the Territory of Idaho is solemnly pledged; and for the payment of the interest, as the same shall accrue, on the bonds hereby authorized, and bonds heretofore issued under the act of January 8, 1875, in gold coin, the Treasurer shall reserve and convert into coin any and sufficient of the funds in his hands, at the least possible cost, in preference of all other claims whatsoever. Payment of bonds.

30. (Sec. 8.) For the defraying of all expenses and of charges carrying this act into effect, the sum of three hundred dollars is hereby appropriated, for which the Controller shall issue his warrant in favor of the Treasurer, payable out of any money in the treasury not otherwise appropriated. Expenses.

31. (Sec. 9.) No further issue of coin bonds under former laws shall be made or otherwise than as hereinafter provided; and all acts and parts of acts inconsistent herewith are hereby repealed. No more bonds to issue under old acts.

CAPITOL BUILDING AND INSANE ASYLUM.

AN ACT to provide for the erection of a capitol building in Boise City, the capital of Idaho Territory, and to provide for the erection of an insane asylum in or near the

town of Blackfoot, the county seat of Bingham county, and for the maintenance thereof, and for other purposes.
[Approved February 2, 1885.]

SECTION
32. Capitol building at Boise City.
33. Commissioners to erect building.
Names.
34. Plans and specifications.
35. Superintendent of Construction.
36. Territorial prisoners, labor of.
37. Bonds to be issued, how executed.
38. "Capitol Building Fund" created.
39. General Fund, moneys payable from.

SECTION
40. Asylum building, bonds for construction of.
41. Bonds, how executed.
42. Faith of Territory pledged for payment.
43. Plans and specifications.
44. Plans, cost of, superintendent of Construction.
45. Building, when completed.

Be it enacted by the Legislative Assembly of Idaho Territory, as follows:

Capitol building
at Boise City.

32. (Section 1.) There shall be erected in Boise City, Ada county, Idaho Territory, on the easterly half of the double block bounded by Jefferson, State, Sixth and Eighth streets, designated on the official plat of Boise City, in the Recorder's office of Ada county, as the "Capitol Square," at a cost to the Territory of Idaho of not exceeding eighty thousand dollars, a capitol building, for the Legislative Assembly, Territorial officers, Supreme Court and Territorial Library of the Territory of Idaho.

Commissioners
to erect
building.

33. (Sec. 2.) For the erection of said building there shall be a commission of four residents of said Territory who shall act without compensation; and when a majority of said commissioners shall be assembled and acting they may, and it is made their duty to fill any vacancy in said commission, and the Governor of the Territory of Idaho, for the time being, shall be the President of said commission, and every member of such commission shall take and subscribe an oath faithfully to perform the duties of his trust according to law, and no commissioner shall be interested in any contract to be let or made under the provisions of this act, or in any supplies furnished to or for said commission, or for the erection of said building, or a surety for the performance of any such contract, or the agent or partner of any contractor with said commission; and no action shall be maintained or recovery had against said commission or the Territory upon the contract or obligation in which any commission is so interested, but the same shall be void. The commission shall choose one of their number Vice President, to preside in the absence of the Governor, and shall choose one of their number or some other competent person Secretary of the commission to act during their pleasure, and may fix his compensation, which shall not exceed five hundred dollars per annum. The Territorial Treasurer of said Territory shall be the Treasurer of said commission, and shall be liable upon his official bond for the faithful performance of his duties as such. Peter Sonna, C. W. Moore, R. Z. Johnson, and William H. Ridenbaugh, all of Ada County, in said Territory of Idaho, shall constitute such commission, and if any commissioner shall die, resign, remove from the Territory, or fail to qualify, his place shall be filled as hereinbefore provided. Said commission shall keep a strict and accurate account of all moneys disbursed by them under the provisions of this act, and shall make a report and statement of all their contracts, disbursements and transactions to the next succeeding session of the Legis-

Not to be
interested in
contract.

Names

lative Assembly. Three commissioners, with or without the Governor, shall constitute a quorum for the transaction of business. The commission may make such rules and regulations for the transaction of its business and for the government of its appointees and employes as it may deem expedient and necessary.

34. (Sec. 3.) Said commission shall procure from competent architects, at a cost not to exceed fifteen hundred dollars, the necessary plans and specifications and details for said building; *provided*, they shall adopt no plan that will involve an expenditure by the Territory of more than eighty thousand dollars for the completion, furnishing and equipment of said building; and, *provided further*, that no moneys of the Territory shall be expended in procuring the said site for said building; and the Mayor of said Boise City is hereby directed and required to convey said site to the Territory of Idaho for capitol purposes and uses.

Plans and specifications.

35. (Sec. 4.) Said commissioners shall appoint one of their number or some other competent person as superintendent of the construction of said building, whose compensation shall be fixed by said commission. All work upon said building shall be done under contract let to the lowest responsible bidder, after public advertisement in such newspaper or newspapers as the commission may select as being most likely to give notice to contractors, for a period of ten days, and said commission shall require adequate bonds or other security from all contractors, and may reject any and all bids, if in their judgment the same are too high.

Superintendent of Construction.

36. (Sec. 5.) The labor of the Territorial prisoners in the Territorial penitentiary, so far as the same can be utilized, shall be used in the preparation of material for said capitol building.

Territorial prisoners; labor of

37. (Sec. 6.) That for the purposes of furnishing the money to be used in the erection, furnishing and equipment of said capitol building, a loan of eighty thousand dollars is hereby authorized to be negotiated on the faith and credit of the Territory, and the Treasurer of the Territory is hereby authorized to issue bonds of the Territory in sums of one thousand dollars each, payable in twenty years from the date of their issuance, to bear interest at the rate of six (6) per centum per annum, payable semi-annually, on the first day of January and July of each year; but such bonds shall be redeemable at the pleasure of the Territory at any time after the expiration of ten years from the date of their issuance, and shall be numbered from one to eighty consecutively. The Treasurer of the Territory is hereby authorized and directed to cause to be printed or lithographed suitable bonds in proper form with coupons attached. All such bonds shall be signed by the Secretary of the Territory with his own proper name, affixing his official character, and shall be authenticated with the great seal of the Territory, and shall be signed or indorsed by the Governor of the Territory with his proper name and affixing his official character, and shall then be delivered by the Secretary to the Controller of the Territory, who shall make and keep a register of such bonds, showing the number and amount of each bond, and shall then deliver the same to the Treasurer

Bonds to be issued.

How executed.

and charge him for the full amount of such bonds. *Provided*, that not more than twenty-five thousand dollars of such bonds shall be issued at any one time, and not oftener than the same shall be needed for the purposes of the erection of said building.

At the time of issuing said bonds under the provisions of this act the Territorial Treasurer shall sign a sufficient number of them with his own proper name, affixing his official character, which said signing shall bind the Territory; and shall in like manner sign the coupons thereunto attached. The coupons or certificates for the payment of interest shall be attached to said bonds in such manner that they may be taken off without injuring or mutilating the bonds, and shall be severally numbered from one to forty inclusive, each bearing the corresponding number of the bond to which they are attached. The Treasurer shall keep a register of all the bonds issued by him, showing the date of issuance, and shall deliver the same to the purchaser or purchasers upon the receipt of the purchase money therefor, and the money derived from the sale of the bonds herein provided for shall be used in the erection, completion, furnishing and equipment of the capitol building hereby authorized to be erected, and shall be paid out by the Territorial Treasurer upon the orders of the President or Vice-President of said commission, countersigned by the Secretary thereof. *Provided*, that none of such bonds shall be sold for less than their face or par value. The expense of printing or lithographing and procuring suitable bonds with coupons attached, shall be paid out of the fund arising from the sale of the same as an expense incident to such building.

Capitol Building
Fund created.

38. (Sec. 7.) For the purpose of creating a fund to pay the interest coupons and the principal of said bonds, the Territorial Treasurer is hereby empowered and directed, from and after the passage of this act, to set apart all moneys that shall be received by him on account of licenses of every kind and description collected under the revenue laws of the Territory, and all rents that may be derived from said building, and the same shall constitute a separate and distinct fund to be known as the Capitol Building Fund. And the Territorial Treasurer shall pay the interest on said bonds, when due, out of said fund, taking the coupons as his vouchers therefor. And after the expiration of ten years from the issuance of any of said bonds, whenever there shall be five thousand dollars or more in said fund provided for in this section, over and above the amount required for the payment of interest coupons due, or to become due within the next ensuing six months, the Treasurer shall use such surplus money in the redemption of said bonds according to the number and date of their issue, of which the Treasurer shall give notice by publication once a week in some newspaper published in the County of Ada, and from the date of the last publication of such notice, the bonds proposed to be redeemed shall cease to draw interest; and if any such bonds shall not be presented within sixty days from the date of the last publication of such notice, the Treasurer shall apply the money for the redemption of bonds next in order of the number and date of their issue.

39. (Sec. 8.) If at any time there shall not be sufficient moneys in said Capitol Building Fund to pay the interest coupons or the principal of such bonds when due, the Territorial Treasurer shall pay the same out of the General Fund of said Territory, and shall replace the amount so paid out of the fund last named, whenever moneys derived from licenses shall be received.

General Fund,
payments from

40. (Sec. 23.) For the construction, furnishing and equipment of a proper asylum at or near Blackfoot, in the County of Bingham, as hereinbefore provided, there shall be issued twenty thousand dollars of negotiable coupon bonds of the Territory of Idaho, in sums of one thousand dollars each, bearing interest at the rate of six per centum per annum, payable semi-annually, on the first day of June and the first day of December in each year; and five thousand dollars of said bonds shall mature on the first day of December, in the year one thousand eight hundred and ninety-two, and five thousand dollars thereof on the first day of December annually thereafter until all are paid; and the principal and interest thereof shall be paid at the office of the Territorial Treasurer; *Provided*, that the Territory shall not be put to any expense for the purchase of a site for such building. But the entire expense of erection, equipment and the establishment shall not exceed in cost to the Territory the sum of twenty thousand dollars.

Asylum Build-
ing, bonds for
construction of.

41. (Sec. 24.) Said bonds shall be prepared by the Territorial Treasurer without delay, the form to be approved by the Governor; and the said Treasurer shall procure the same to be engraved or lithographed in a suitable manner. They shall be signed by the Governor, and bear the seal of the Territory, attested by the Secretary thereof. The interest coupons shall be attached to each bond and signed by the Treasurer. Each bond when executed shall be registered by the Controller in a book, with its number, amount, date, and in whose favor drawn; the fact and date of registration to be indorsed by him on such bond. No interest shall be included in the body of the bonds hereby authorized.

Bonds, how
executed.

42. (Sec. 25.) For the payment of the bonds herein authorized and the interest thereon according to the strict terms thereof, the faith of the Territory of Idaho is solemnly pledged; and for the payment of the interest as the same shall accrue on the bonds hereby authorized, in lawful money of the United States, the Treasurer shall reserve any and sufficient of the funds in his hands, at the least possible cost, in preference to all other claims whatsoever.

Faith of Terri-
tory pledged for
payment

43. (Sec. 26.) When a sufficient amount of said bonds shall have been sold, the Board of Directors shall secure an appropriate site, as in this Act directed, for a Territorial Asylum, and shall secure the plans and specifications of the proposed building by a competent architect.

Plans and
Specifications.

44. (Sec. 27.) The Board of Directors is authorized to expend not exceeding five hundred dollars to secure plans and complete specifications for said building, by a competent architect; and they may appoint one of their number or some other competent person, the superintendent of construction thereof, and allow him such reasonable compensation for his services as may be just.

Plans, cost of,
Superintendent
of construction.

Building, when
to be completed.

45. (Sec. 28.) Said building shall be completed and ready for occupancy by the first day of October, in the year one thousand eight hundred and eighty-six.

TO DESIGNATE A PLACE OF PAYMENT OF THE BONDS.

AN ACT to designate a place of payment of the Bonds issued for the erection of the Capitol Building and Insane Asylum.

SECTION

46. Place of payment of Capitol and Asylum bonds.

Place of pay-
ment of Capitol
and asylum
bonds.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

46. (Section 1.) The Territorial bonds issued for the erection of a capitol building and insane asylum, under authority of the Act approved February 2, 1885, and the coupons thereto attached, shall, when due and payable according to their terms, be paid to a bank in the city, county and state of New York to be selected by the Territorial Treasurer, and upon presentation of any of said bonds with coupons attached, to the Territorial Treasurer, he shall without charge stamp such place of payment thereon.

47. (Sec. 2.) This Act shall take effect and be in force from and after its passage.

[Approved February 10, 1887. In effect immediately.]

HISTORICAL SOCIETY OF IDAHO PIONEERS.

Council Joint Resolution No. 6.

[Approved February 10, 1881.]

SECTION

49. Historical society; appropriation.

Historical Soci-
ety; appropri-
ation.

Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows:

49. That the sum of two hundred and fifty dollars per annum be appropriated out of any moneys in the Territorial Treasury not otherwise appropriated, to the trustees of the Historical Society of Idaho Pioneers, to enable them to collect and prepare a reliable history of the early settlement of the Territory, and a correct statistical record showing the facilities for settlement and cultivation, the inducements which the Territory offers to labor and capital, together with a reference to its financial resources, and report a synopsis of their findings to the next Legislative Assembly. And the Territorial Controller is hereby authorized and directed to draw his warrant on the Territorial Treasurer for the sum of two hundred and fifty dollars per annum to the trustees of said Historical Society of Idaho Pioneers, and the Territorial Treasurer is hereby authorized and required to pay the same out of any money in the Territorial Treasury not otherwise appropriated.

PART II.

SPECIAL AND LOCAL ACTS APPLICABLE TO TWO OR MORE COUNTIES.

TO PREVENT STALLIONS AND OTHER ANIMALS FROM RUNNING AT LARGE.

AN ACT to prevent stallions and other animals from running at large in Bingham, Oneida, Custer and Lemhi Counties.

SECTION

117. Stallions running at large, *qui tam* action for penalty

118. May be taken up and castrated.

SECTION

119. Notice to unknown owners

120. Act applicable to Bingham, Oneida, Custer and Lemhi counties.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

117. (Section 1.) If any stallion or stud-horse, ridgling, or any unaltered male mule, or jackass, over the age of eighteen months, be found running at large, the owner shall be fined, for the first offense, twenty dollars, and for each subsequent offense not more than one hundred dollars, nor less than forty dollars, to be recovered by civil action before a Justice of the Peace in the name of any person who will prosecute for the same, one-half to his own use, and the other half to the use of the County School Fund.

Stallions running at large;
Qui tam action.

118. (Sec. 2.) Any person may take up and safely keep any such horse, mule, or jackass found running at large, or in his enclosures, and when so doing shall give the owner or owners thereof, five days' notice that such an animal is in his or their possession; and if at the expiration of the aforesaid time the owner or owners shall neglect or refuse to move such animal and pay all reasonable costs for keeping the same, then the taker up may cause such animal to be castrated.

Such animal may be taken up and castrated.

119. (Sec. 3.) Should the owner or owners of such animal be unknown, then in that case it shall be the duty of the person in whose possession the animal may be, to forthwith give ten days' notice, with the description of the animal, its marks or brands, by posting up at least three written or printed notices, in at least three conspicuous places in the county, calling upon the owner or owners to come forward and claim the property; and if at the expiration of ten days the owner or owners shall refuse to remove such animal and pay all reasonable costs for keeping the same, the party taking up said animal may cause it to be castrated, such castration being performed in the usual manner, so that the life of the animal be endangered as little as possible.

Notice to unknown owners.

120. (Sec. 4.) This act shall apply only to Bingham, Oneida, Custer and Lemhi Counties, and all acts or part of acts which apply to said counties in conflict with the provisions of this act be and the same are hereby repealed.

Application of act.

121. (Sec. 5.) This act shall take effect and be in force from and after its passage.
[Approved January 28, 1885.]

READJUSTING AND APPORTIONING THE REPRESENTATION TO
THE HOUSES OF LEGISLATIVE ASSEMBLY.

AN ACT to provide for readjusting and apportioning the representation to the houses of the Legislative Assembly from the Counties of Lemhi and Custer, and for other purposes.
[Approved February 10, 1881.]

SECTION	SECTION
122. Custer County to pay part of Lemhi debt.	123. Amount of debt, how to ascertain.
	124. Warrants, how paid.

Custer County
to pay part of
debt of Lemhi
County.

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

122. (Section 2.) In consideration of the grant of Territory made by the County of Lemhi to the County of Custer, under and by virtue of the provision of an act of the Legislative Assembly of Idaho Territory, entitled an "Act to create and organize the County of Custer." Approved January 8, 1881, the County of Custer shall be liable for and assume and pay to the County of Lemhi fifty per cent. of the indebtedness of said County of Lemhi at the time said act shall take effect.

Amount of debt,
how ascertained.

123. (Sec. 3.) The amount of said debt of Lemhi County to be so assumed and paid by Custer County shall be ascertained as follows: The Auditor of Custer County shall, on or before the first day of May, A. D. 1881, ascertain from the reports of the Auditor and Treasurer of Lemhi County, or if such report be not complete or be from any cause unsatisfactory, then from the books of said Auditor and Treasurer, the total amount of county warrants of said Lemhi County, drawn and outstanding, and shall report the same to the Board of County Commissioners of Custer County. Therefrom the total sum of such indebtedness, shall be deducted the amount of cash in the County Treasury of the net indebtedness so ascertained, the County of Custer shall be liable for and shall pay to the County of Lemhi fifty per cent. upon such adjustment. The Auditor of Custer County shall thereupon draw his warrant in sums not exceeding five hundred dollars each, payable to the Treasurer of Lemhi County, and not transferable, and he shall deliver the same to the Treasurer of Lemhi County, which said warrants shall draw interest at the rate of ten per cent. per annum.

Custer to pay
fifty per cent

How to be
paid.

Warrants, how
paid.

124. (Sec. 4.) The warrants of the County of Custer, which by section two are authorized and directed to be issued in favor of the County of Lemhi shall be paid out of the sinking fund of said County of Custer in the order of their registry and the provisions of section sixteen of the act entitled "An Act organizing the County of Custer," approved January 8, 1881, shall apply to all warrants drawn under and by virtue of the provisions of this act equally with those, which by said section and by said act are directed to be issued and paid to Alturas County; *Provided*, however, that the Treasurer of said county shall not take up or pay any warrants drawn in favor of Lemhi County under

and by virtue of the provisions of this Act, until all warrants in favor of Alturas County, and the interest thereon has been paid.

TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF TAXES.

AN ACT to provide for the assessment and collection of taxes in Cassia and Owyhee Counties.

[Approved February 8, 1883.]

SECTION

125. Time of levy of taxes

SECTION

126 Special session of board.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

125. (Section 1.) That in the Counties of Cassia and Owyhee the assessment and levy of taxes shall be made at the first meeting of the Boards of County Commissioners of said counties in January, and the duties to be performed at their April meeting, as prescribed in Sections 2, 3 and 11 of the Act to provide a uniform system of Territorial and County revenue, and for the assessing and collecting the same, approved January 15th, 1875, shall be performed by the Commissioners of Cassia and Owyhee Counties, at their first meeting in January; and so far as relates to said counties of Cassia and Owyhee, the word "January" is substituted for the word "April" in the Sections above named.

Time of levy
of taxes.

126. (Sec. 2.) The County Commissioners of said counties may, in their discretion, at any time after the passage of this Act, hold a special session for the purpose of making the annual levy of taxes for the year 1883.

Special session.

(Sec. 3.) This Act applies only to the Counties of Cassia and Owyhee.

Applies only.

PART III.

SPECIAL AND LOCAL ACTS APPLICABLE TO ADA COUNTY.

TO ORGANIZE THE COUNTY OF ADA.

AN ACT to organize the County of Ada.
[Approved December 22, 1864.]

SECTION

127. Boundary and location of county seat. —

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Boundary.

127. (Section 1.) That all that portion of Idaho Territory included within the following lines, to-wit: Commencing at the confluence of Grimes' creek, now commonly known as Moore's creek, with Boise river, thence in a northwesterly direction to a pine tree standing on the south bank of the Payette river, at a distance of about two miles northwardly from Picket corral, and near the mouth of what is known as Black cañon, on said Payette river; thence northwardly to a central point on the summit of the Squaw creek butte; thence northwardly on the summit of the dividing ridge between the waters of Squaw creek on the east and Haw creek on the west, to the southern boundary line of Washington County; thence west along said line of Washington County to the middle of the channel of Snake river; thence up said Snake river along the center of the channel thereof to a point opposite the mouth of Bruneau river and the southwest corner of Alturas County; thence along the west line of Alturas County, north to the place of beginning, be and the same is hereby organized into a county, to be called the County of Ada, and the county seat of said county is hereby located at Boise City.

Location of
county seat.

[As amended, Act January 31, 1883.]

TO INCORPORATE BOISE CITY.

AN ACT to incorporate Boise City, in Ada County.
[Approved January 11, 1866.]

SECTION

128. Boundary of city.
129. City made a corporate body.
130. Officers chosen and duties of mayor.
131. Election, how conducted
132. Mayor and council, authority, powers, to issue license, regulate bawdy houses, opium dens, provide water works, light streets, make laws.
133. Bonds to be issued.

SECTION

134. Statements of financial condition.
135. Assessor and tax collector, duties of.
136. Delinquent taxes, sale of property for.
137. Proceedings, on over assessment.
138. Justice of Peace, appointment of.
139. Roads and streets.
140. Oaths, accounts against city.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Boundary.

128. (Section 1.) That Boise City shall be bounded as follows: Beginning at a point where the section line between Sections 10 and 11 in Township 3, North, Range 2, East, Boise

Meridian, leaves the north side of Boise river, running thence due north, following the said line between said sections to where the same intersects the present boundary line of Boise City, as shown on the plat of said city, filed in the Recorder's office of Ada County; thence north 35 degrees east along said boundary line of Boise City, to the line of Fort Boise Reservation; thence following along said line of Reservation north-westerly to the north-west corner of said Reservation; thence north seventy degrees east along said Reservation line to a point where the line between Sections 2 and 3 intersects said line; thence due north on said section line between Sections 2 and 3, to the township line between Townships 3 and 4. North, Range 2, East; thence westerly along said township line to a point where the line between Sections 3 and 4 of Township 3, North 2, East, intersects the same; thence south following said line between Sections 3 and 4 to where the same intersects the present boundary of Boise City as shown on said plat; thence south 35 degrees west to a point where the line between Sections 4 and 9 leaves said present boundary line, shown as aforesaid; thence west following the section line between Sections 4 and 9 to where said line intersects the north bank of the north channel of Boise river; thence following said north bank southerly and easterly to the point where the section line between said Sections 10 and 11 leaves the same and place of beginning. [As amended, Act January 30, 1885.]

129. (Sec. 2.) The inhabitants of said Boise City shall be and are hereby constituted a body politic and corporate, by the name and style of Boise City; and by that name they and their successors shall be known in law, and have perpetual succession; sue and be sued; plead and be impleaded; and shall have power to receive property, real and personal, and may dispose of the same for the benefit of the city. All deeds, conveying real estate belonging to said city, shall be signed by the Mayor and attested by the City Clerk, and the seal of said city, and shall be acknowledged and recorded as other deeds; and no conveyance not thus executed, acknowledged and recorded, shall have any validity whatever as against said city.

Incorporation,
made a.

130. (Sec. 3.) For the government of said city there shall be elected biennially a Mayor, a Common Council, consisting of five members, a Collector, a Treasurer, and a Justice of the Peace for said city. And the Mayor and Common Council shall appoint an Attorney, a City Marshal, a Road Supervisor, and such other officers as they shall think necessary, and shall define their duties and fix their compensation, and may remove them from office for any cause in their judgment sufficient. The Mayor and Common Council shall receive no compensation. The Mayor shall preside at all meetings of the Council, and shall have the casting vote in case of a tie vote upon the election of officers, or upon any other question; all ordinances shall be presented to him, and if he approve, he shall sign the same; but if he do not approve, he shall return the same with his objections to the Council, or file the same with the City Clerk, within three days, after which the same shall not become a law unless passed by an affirmative vote of four members of the Council. [As amended, Act January 28, 1881.]

Officers and how
chosen
See R. S. Sec
2232.

Mayor, duties of.

Election.	131. (Sec. 4.) An election for all city officers required by this Act to be elected, shall be held on the second Monday of July, 1881, and biennially thereafter. No person is eligible to any office or qualified to vote at any election under this Act, who, at the time of his election or appointment, or at the time of such election, is not a qualified elector of Ada County, and who has not resided in said city for the three months next preceding his election or appointment, or the day of such city election. City elections shall be conducted, as near as may be, in the same manner as county elections. The polls shall be opened at 9 o'clock in the forenoon, and shall continue open until six o'clock of the same day without closing, and returns of the election shall be made within two days thereafter to the City Clerk, who shall open and canvass the same in the presence of the Mayor and Common Council, who shall declare the result.
Eligibility.	
Election, how conducted.	
Canvass of returns.	
Who may challenge votes.	
Oath	Any qualified elector of said city may challenge the vote of any person offering to vote at any city election, and any vote so challenged shall not be received unless the person offering the same shall make oath or affirmation to his qualifications as aforesaid, which oath or affirmation shall at his request be administered to him by one of the judges of election; and any person who shall corruptly and falsely take such oath or affirmation shall be guilty of, and upon conviction thereof shall suffer the pains and penalty of perjury.
Penalty for taking false oath.	
Authority of council.	132. (Sec. 5.) The Mayor and Common Council shall have full power and authority within Boise City:
Taxes.	1. To assess, levy and collect taxes for general municipal purposes not to exceed one-half of one per centum per annum upon all property, both real and personal, which is taxable by law for Territorial or county purposes.
Licenses.	2. To license, tax and regulate auctioneers, taverns, hawkers, peddlers, pawn-brokers, Chinese wash-houses and all offensive or noxious trades or occupations.
of vehicles.	3. To license, tax and regulate hacks, cabs, hackneys, carriages, wagons, carts, drays, or other vehicles, and to fix the rates thereof.
Liquor traffic	4. To regulate and restrain, and in their discretion, upon special application, to license and tax the sale of liquors in less quantities than one quart, bar rooms, liquor saloons, drinking shops, theatrical and other exhibitions, shows, public amusements, billiard tables, bowling alleys, gaming and gambling houses, and to require bonds with sureties from the proprietors of the same, conditioned not to keep, allow or permit a disorderly house; and to cancel and revoke every such license, in their discretion; <i>Provided</i> , that no Territorial or county license shall authorize any person to engage in or conduct any business or thing in this or the two preceding subdivisions enumerated, within said Boise City, unless a license is first obtained from said City Council, and the Council may provide a penalty therefor.
Houses of ill-fame.	5. To suppress bawdy houses and houses of ill-fame in said city, or in any part thereof, and to provide by ordinance the punishment of any person or persons, who shall open, set up, or keep the same, or who shall reside in, frequent or visit the same.

6. To suppress opium dens, and any house or place kept or used as a resort for the purpose of smoking opium, and to provide by ordinance for the punishment of any person or persons who shall set up, open, or cause to be opened, or keep any house or place as a resort for the purpose of smoking opium, or who shall sell, vend, or give away opium for the purpose of being smoked upon the premises, or who shall bargain for, buy, take or accept any opium in any house or place, to be smoked upon the premises, or who shall be found in any house or place kept or used as a resort for the purpose of smoking opium, or who shall smoke opium in any house not the dwelling house of such person or persons. Opium dens
7. To make regulations to prevent the introduction of contagious diseases in the city; to remove persons affected with such diseases therefrom to suitable hospitals provided by the city for that purpose; to secure the protection of persons and property therein, and to provide for the health, cleanliness, ornament, peace and good order of the city. Contagious diseases
8. To prevent and remove nuisances. Nuisances.
9. To provide the city with good and wholesome water, and for the erection or construction of such water works and reservoirs within or without the limits of the city, as may be necessary or convenient therefor. Waterworks
10. To provide for lighting the streets, and furnishing the city with gas or other light, and for the erection or construction of such works as may be necessary or convenient therefore. Lighting streets.
11. To provide for the support, restraint and employment of vagrants and paupers. Vagrants and Paupers.
12. To provide for the prevention and extinguishment of fires and the preservation of property endangered thereby; to establish, alter and change fire limits, and regulate the erection of buildings and improvements within such fire limits, and the materials to be used therefor; to control and regulate the Fire Department, and provide by ordinance for the officers thereof, and the election of such officers by the members of such fire department or otherwise, and to define the duties of such officers, and to remove them from office for good cause shown. Fires.
Fire limits.
Fire department
13. To determine and regulate the number of day and night police, or either of them; to provide for paying the same, and to regulate and fix the compensation of the policemen, the keeper of the City Prison and of the House of Correction. Police
14. To provide for the prevention and removal of all obstructions from the street, cross and sidewalks, and for the cleaning and repairing of the same. Streets
15. To establish a public pound, and to restrain and regulate the running at large of cattle, horses, swine, sheep, dogs, and other animals, within the limits of the corporation; and to authorize and regulate, by ordinance, distraining, impounding, and sale of the same, for the penalty imposed and the costs of the proceedings; and to authorize the destruction of dogs when at large, contrary to any prohibition of any such ordinance. Public pound and the running at large of animals
16. To provide for the establishment of market-houses and places, and to regulate the location and management of market-houses, places and slaughter-houses. Markets and slaughter houses

Jail, house of
correction and
workhouse.

17. To provide for the erection of a city jail, house of correction, and work house, and the government and management of the same.

Combustibles.

18. To regulate the storage and sale of gunpowder, or other combustible material, and to prevent, by all possible and proper means, danger or risk of injury or damage by fire arising from carelessness, negligence, or otherwise.

Disturbances.

19. To restrain and punish any disturbance, or any unlawful or indecent practice.

Compensation
and fees of
officers.

20. To establish and regulate the fees and compensation of all officers of this municipal corporation, except when otherwise provided.

May provide
punishments for
violation of
ordinance.

21. To provide for the punishment of a violation of any ordinance of the city, by fine or imprisonment, not exceeding one hundred dollars, or twenty days, or both, or by a forfeiture or penalty not exceeding one hundred dollars; and for working any person sentenced to such imprisonment upon the street or the public squares during the term thereof.

May levy
special tax.

22. To levy and collect a special tax of not exceeding one per centum per annum, upon all the property assessed by authority of the first subdivision of this Section, for any specific object within the authority of this municipal corporation, including the payment of any existing debt; but the ordinance providing therefor must specify the object thereof, and the estimated amount therefor.

Borrow money.

23. To borrow money on the faith of the city, or loan the credit thereof, or both. But the total indebtedness of the city shall at no time exceed thirty thousand dollars.

Appropriate
money.

24. To appropriate money to pay the debts, liabilities, and expenditures of the city, or any part or item thereof, from any fund applicable thereto.

Survey of
blocks, etc.

25. To provide for a survey of the blocks and streets of the city, and for making and establishing the boundary lines of such blocks and streets.

26. To exercise such power and authority as may be given to the Council elsewhere in this Act or by the laws of this Territory.

City clerk.

27. To appoint one of their members City Clerk, define his duties, and fix his compensation.

Fill vacancies.

28. To fill any vacancy in their number, or in any city office, and the person so appointed shall serve until the next city election, and until his successor is elected and qualified.

Judges and
clerk of election.

29. To appoint two judges and one clerk of each city election, who shall have the powers conferred and perform the duties, and be liable to the penalties imposed upon like officers serving at any general Territorial election, except as otherwise provided in this Act.

Streets and
alleys.

30. To open and establish streets and alleys, and widen the same, and for that purpose to condemn property for the city use, under such regulations as are or may be provided by law. The powers and authority conferred by this Section may be enforced or exercised by ordinances, unless otherwise expressly provided; and the City Council may pass any ordinance not repugnant to the constitution and laws of the United States, or the laws of this Territory, necessary or convenient for carrying such powers and author-

city or any part thereof into effect, and the justice of the peace for said city shall have in addition to the jurisdiction conferred by law upon justices of the peace concurrent jurisdiction with any other justice of the peace within said city, and with the probate judge of Ada County, of all violation of the ordinances of said city. Said City Council may also make all needful by-laws, ordinances and regulations not repugnant to the constitution and laws of the United States, or of this Territory, and prescribe their own rules for doing business, and may elect any member to preside at their meetings in or during the absence of the Mayor. And it shall be the duty of the Mayor and Council of said city to fill any vacancy that may occur in the office of Justice of the Peace for said city, by the appointment of some suitable and qualified person, who shall hold his office until his successor is elected and qualified.

Jurisdiction of justice of the peace.

Ordinances and rules of order.

City Council to fill vacancy in office of justice.

[As amended, Acts January 28, 1881, and January 30, 1885.]

133. (Sec. 2.) The Mayor and Common Council of said Boise City shall have the power at their first regular meeting, or at such other time as they may deem proper after the passage of this Act, to take all necessary measures for the printing, engraving, and issuing of negotiable coupon bonds in the sum of fifteen thousand dollars, for the purpose of reducing the outstanding indebtedness of said city. Said Mayor and Council are authorized to issue such coupon bonds of said city in sums of one hundred, and five hundred dollars, each, bearing interest at eight per cent. per annum, payable annually, on the first day of January of each year. And twenty-five hundred dollars of said bonds shall mature on the first day of January, 1890, and twenty-five hundred dollars thereof on the first day of January, 1895, and twenty-five hundred dollars thereof biennially thereafter, until all are paid; and the principal and interest thereof shall be payable at the office of the City Treasurer of said city. Said bonds shall be issued in the corporate name of said city, sealed with its corporate seal, signed by the Mayor and countersigned by the City Clerk and shall bear such vignette and devices as the Council may direct; they shall be registered by the City Clerk, in a book kept by him for that purpose, which shall be a public record, noting the amount, time of payment, and rate of interest; and all of said bonds shall state on their face that they are issued under the provisions of this Act. The coupons shall be signed by the City Treasurer, provided none of said bonds shall be sold nor negotiated at less than their par value.

Bonds to be issued

134. (Sec. 3.) It shall be the duty of said Mayor and Council to cause to be published in some newspaper, published in said city, quarterly statements of the financial condition of said city, showing the amounts received and disbursed in each quarter, such statements to be verified by the certificate of the City Auditor.

Statements of financial condition.

[As amended, Act January 30, 1885.]

135. (Sec. 6.) The City Assessor shall proceed to assess the taxable property of the city under such regulations as may be prescribed by the Council, and shall deliver a certified list of said property, so assessed to the Collector. The City Collector, after receiving such list, shall proceed to collect

Assessor

City collector.

the same, in the same manner that other taxes are collected and all the laws and provisions regulating the assessment and collection of taxes under the general revenue laws, shall be followed in the assessment and collection of said city taxes, so far as the same may be applicable, and not inconsistent with the ordinances of the city, passed in relation to the same subject matter.

Delinquent
taxes.

136. (Sec. 7.) In case the taxes so assessed upon any property shall not be paid, and no other property of the owner can be found upon which to levy, the City Collector shall proceed to make out a list of said delinquent property, and after advertising the same for four successive weeks, in some newspaper published in said city, shall sell at public auction the property so assessed, whether the same be personal property or real estate; or of what nature soever it may be. In selling said real estate for taxes, the same course shall be pursued as near as may be, which is or may be prescribed by law for the sale of property on execution.

Proceeding on
over assessment.

137. (Sec. 8.) Should any person feel aggrieved by any assessment made by the City Assessor, he may at any time before sale for taxes, apply to the Common Council to have the same reduced. If said Council shall refuse to reduce such assessment, said owner or claimant shall give public notice of such refusal at the tax sale, and such refusal, if unjust or oppressive, shall then be good cause for invalidating the sale of such property so unjustly assessed. In all cases a deed shall be executed by the city in the manner hereinafter prescribed, to any purchaser at a tax sale, when the same shall be applied for and such deed shall be *prima facie* evidence of the regularity and validity of all previous proceedings. Said deed may be invalidated by showing, first, that said property was not subject to taxation; or, second, that taxes on the same had been paid; or, third, that said assessment was unjust or oppressive, and that application to reduce the same had been made to the Common Council, and refused, and that public notice of such refusal had been given at the tax sale, as hereinbefore required, but said deed shall not be invalidated for any other cause whatever.

Justice of peace
to be appointed.

138. (Sec. 9.) Said Common Council shall appoint one of the Justices of the Peace residing within said city, as Committing Magistrate, whose duty it shall be to hear all complaints of violation of said ordinances, and to examine all persons arrested by the Marshal. Said Justice shall have power to punish, by fine or imprisonment, or both, any violation of any of said ordinances, but no such punishment shall exceed a fine of one hundred dollars or imprisonment for twenty days in the county or city jail.

Roads and
Streets.

139. (Sec. 10.) The roads, streets and alleys within said city limits shall be under the exclusive control of said Common Council, who shall make all needful rules in relation to the improvement, repair, grading, cleaning, etc., of the same, and said city shall not be included in any road district in said county.

Official oaths to
be taken.

140. (Sec. 11.) All officers required to be elected by this Act, shall, before entering upon the duties of their office, take an oath or affirmation of office, before any person competent to administer oaths. All demands and accounts against the city shall be audited by the City Council, and

Demands
against city.

shall be paid by the Treasurer, on the warrant of the Mayor, countersigned by the City Clerk. All ordinances shall be signed by the Mayor, and filed and recorded by the Clerk.

TERRITORIAL AND COUNTY REVENUE.

AN ACT to amend An Act entitled, "An Act to provide a uniform system of Territorial and County revenue, and the assessing and collecting the same," approved January 15, 1875, so far as the same relates to and in force within the limits of Boise City, in Ada County, Idaho Territory.

[Approved February 21, 1879. Effect March 31, 1879.]

SECTION 141	License tax on billiard tables, etc., in Boise City.	SECTION 142	License tax on liquors in Boise City.
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Be it enacted by the Legislative Assembly of the Territory of Idaho:

141. (Section 1.) That Section 72 of an Act entitled "An Act to provide a uniform system of Territorial and County revenue, and the assessing and collecting the same," approved January 15, 1875, shall not apply to and be in force within the corporated limits of Boise City, in Ada County, Idaho Territory, except as hereinafter provided; that section 72 of said Act, which shall be in force within the limits of said Boise City, shall read as follows: There shall be levied and collected by the Sheriff, as tax-collector, a license tax from each proprietor or keeper of a billiard table, not kept for the exclusive use of the owner or his family, for each table, fifteen dollars per quarter; for a nine or ten pin or bowling alley, fifteen dollars per quarter; such license to be granted for a term not less than three months.

License tax on
billiard tables.

142. (Sec. 2.) That section 75 of said revenue act, approved January 15, 1875, be amended to read as follows: Section 75. All persons who may dispose of any spirituous, malt or fermented liquors or wine, in less quantities than one quart, shall, before the transaction of any such business, obtain a license from the Tax-Collector, for which they shall pay the sum of fifty dollars per quarter; *Provided, however,* That all persons engaged in retailing liquors in connection with entertainments for travelers, at any point distant one mile or more outside the limits of any city or town within this Territory, shall pay a quarterly license of fifteen dollars: And it is further *provided*, that within the incorporated limits of Boise City, in Ada county, that all persons engaged in the retailing of liquors shall pay only the sum of twenty-five dollars per quarter, and for all such licenses there shall be paid to the Sheriff the sum of one dollar as his fees and the fees of the County Auditor: one-half of said fees when paid by the Sheriff to the County Auditor, as made and provided in this Act.

License tax on
liquors.

143. (Sec. 3.) This Act to be in force and apply only to the incorporated limits of Boise City, and that the said revenue law, approved January 15, 1875, is not by this Act affected or amended, as far as the same relates to and is in force in other portions of the Territory.

TO INCORPORATE BOISE CITY.

AN ACT to amend an Act entitled an Act to Incorporate Boise City, in Ada County, approved January 11, 1866. [Approved December 28, 1870.]

SECTION.
144. Grove Street.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Market street
changed to
Grove.

144. (Section 3.) The street now named and known as Market street in Boise City, is hereby named and shall henceforth be known as Grove street.

TO VACATE SO MUCH OF FRONT STREET.

AN ACT to vacate so much of Front street in Boise City, Idaho Territory, as lies east of Fifth street. [Approved January 13, 1871.]

SECTION.
145. Front Street.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Front street
vacated.

145. (Section 1.) All that part of Front street, in the city of Boise, in the Territory of Idaho, being east of Fifth street as designated and shown on the plat of said city, be and the same is hereby vacated.

TO VACATE IDAHO STREET.

AN ACT to vacate Idaho street, on the outskirts of Boise City. [Approved January 13, 1871.]

SECTION.
146. Idaho Street.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Idaho street
vacated.

146. (Section 1.) That such portion of Idaho street below and west of Fourteenth street, and the alley on blocks 114 and 115, in Boise City, in the County of Ada, and Territory of Idaho, as designated on the map and plan of Boise City, on file in the office of the County Recorder of said county, the same never having been used, be and the same is hereby vacated and closed.

DISPOSAL OF LANDS IN BOISE CITY.

AN ACT to provide for the disposal of lands in Boise City, Ada County, Idaho Territory, pursuant to the several Acts of Congress, in such cases made and provided. [Approved January 6, 1871.]

SECTION
147. Mayor trustee to make deeds, notice to claimants.
148. Claimants to make application for title.
149. Mayor to file application, proceedings stayed when adverse claim.
150. Tenant cannot claim against owner.

SECTION
151. Price to be paid for lots.
152. Mayor's fees.
153. Treasurer to receive moneys for land
154. Unclaimed lots to be sold at public auction
155. Moneys received for lots, how disposed of.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows

Mayor trustee to
make deeds.

147. (Section 1.) The Mayor of Boise City is hereby appointed trustee to execute the trust in this behalf in the

manner and terms, and under the limitations hereinafter specified and as such, is hereby directed and required to make and deliver to the occupants of lands, within the limits of the town site of said Boise City, who may be entitled thereto, good and sufficient deeds of conveyance, according to their respective interests, and for that purpose he shall within ten days after the passage of this Act, publish a notice in some newspaper published in said city, requiring all persons claiming lands within the limits of said town site, to present their respective claims therefor in writing to him at his office in said city; and shall also at the same time, cause to be made and filed in his office, a plat of said town site, which plat shall be, in all respects, a copy of the one now on file in the office of the County Recorder of said county.

Notice to claimants.

Plat to be filed.

148. (Sec. 2.) The occupants of said town site may at any time within sixty days after the filing of such plat and the publication of the notice aforesaid, make their respective applications for title to such portion of said town site as is claimed by them, which application shall be in writing, and shall set forth that such claimant is an occupant of said town site, and of the lot or lots, block or portion claimed by him or her, and shall specify in what such occupancy consists, which shall be either actual residence thereon, enclosure, or some permanent improvement on some portion of the lot or block claimed, and shall particularly designate and describe such lots, blocks and improvements, and said applications shall in all cases be verified by the oath of the applicant, or by some person on his or her behalf, in the manner prescribed for the verification of pleadings in civil actions in courts of justice in this Territory; *Provided*, That no claim shall be received which shall not conform to the requirements of this Act; *and provided further*, That no claim shall be received for, nor any conveyance made of any portion, of any street or alley that has heretofore been declared public highways, or other lands within the limits of said city, which have been dedicated and appropriated to public use, except for the use of said county and said Territory.

Claimants to make application for title.

Claimant must be an occupant.

Description.
Verification.

Streets and alleys.

149. (Sec. 3.) Said Mayor shall receive and file in his office all such applications, and shall endorse thereon the date of their presentations, which applications shall be subject to the inspection of any person desiring to examine the same, and shall in each and every instance, when no adverse claim is filed, on the payment of the sum of money or price therefore, hereinafter specified, within sixty days execute and deliver a deed of conveyance in fee of the land so claimed and undisputed; and in all cases where an adverse claim to any such lands shall be presented by any claimant within sixty days after the same shall be claimed, as aforesaid, all proceedings for a deed by the Mayor shall be stayed, and he shall within five days deliver to such prior claimant or claimants, personally, if he be within said city, or otherwise to his agent, a written notice of such adverse claim, and that no conveyance will be made until the final determination of such conflicting claims by a final judgment in a court of competent jurisdiction, and it shall in such cases be the duty of such subsequent adverse claimant to bring the same to such determination, and on a failure

Mayor to file applications for title

Mayor's deed.

Proceedings stayed when adverse claim filed.

Action.

Limitation.	to commence proceedings for that purpose, for a period of sixty days from the time of filing his adverse claim, he shall be deemed to have waived and abandoned his claim, and a deed shall be made to the prior claimant, the same as if no such adverse claim had been filed. Upon a final
Decision.	decision of such adverse claims, the successful claimant shall file with said Mayor a certified copy of the final judgment in his favor, and said Mayor shall execute and deliver to him a deed of conveyance accordingly.
Tenants cannot claim against owner.	150. (Sec. 4.) No tenant who holds any lands within the limits of said town site, from another, either for a term, or at will, shall be entitled to claim such lands adversely to the person under whom he holds.
Price to be paid and rate of.	151. (Sec. 5.) For the purpose of defraying the expenses of procuring the title to said town site, the price or sum to be paid for such town lots or blocks respectively, shall be as follows: For all lots in block numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, the sum of ten dollars per lot, and at that rate for portions of a lot; for all lots in blocks numbered, 11, 12, 15, 16, 19, 20, 21, 22, 23, 24, 25, 31, 32, 33, 34, 39, 40, 41, 42, 43, 44, 45, 46, 53, 54 and 55, the sum of five dollars per lot, and at that rate for portions of lots; and for all other lots in said town site the sum of one dollar per lot, and at that rate for portions of lots.
Mayor's fees.	152. (Sec. 6.) The Mayor shall be entitled to demand and receive for his own use, the sum of twenty-five cents for filing each application; the sum of one dollar for each notice of adverse claim issued and served by him, which shall be served by copy, and the sum of three dollars for the making, acknowledgment and stamping of each deed, but no more than one deed shall be made to any applicant for any number of lots claimed by such applicant, unless required by said applicant.
City treasurer to receive moneys for land.	153. (Sec. 7.) The said sums to be paid as hereinbefore provided, for the purchase money of said lots shall be paid by the respective claimants to the Treasurer of said Boise City, who shall give him a receipt therefor, specifying and describing the lands so paid for, and the Mayor, on the production of said receipt, and of the payment of his fees, as hereinbefore provided, shall execute and deliver a deed for said lands.
Unclaimed lots to be sold at public sale.	154. (Sec. 8.) All lots and blocks or portion thereof, remaining unclaimed for a period of three months from and next after the first publication of the notice provided in the first section of this act, shall be sold by the said Mayor at public auction to the highest bidder, for cash, after giving public notice for at least three weeks in the manner prescribed for notice of sale of real estate by the Sheriff on execution; and the proceeds of such sale shall be paid by him into the Treasury of said Boise City, after deducting therefrom the expenses of such notice and sale.
Moneys received for lots; how disposed of.	155. (Sec. 9.) All moneys received upon the sale of said lands, as aforesaid, both public and private, shall be paid into the Treasury of said Boise City and shall be applied, paid out, and expended by the Treasurer as follows: <i>First.</i> —The plat hereinbefore required to be made, shall be paid for; <i>Second.</i> —The warrants issued by the city authorities, upon the town site fund, for moneys raised to enter and secure

the title to such town site, and for the expenses incurred in and about the entry thereof, shall be paid in their regular order; *Third.*—The residue, if any, shall be expended under the direction of the Common Council of said Boise City.

AN ACT supplemental to an Act entitled, "An Act to provide for the disposal of lands in Boise City, Ada County, Idaho Territory, pursuant to the several Acts of Congress in such cases made and provided."

[Approved January 15, 1875.]

SECTION.
156 Mayor to sell lots.

SECTION
157. Notice of sale.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

156. (Section 1.) The Mayor of Boise City is hereby authorized and empowered to advertise and sell, in the manner and as hereinafter provided, all lots and blocks or portions thereof, in said Boise City, for which a Mayor's deed has been applied for, pursuant to the provisions of the Act to which this Act is supplemental, and which lots and blocks, or portions thereof, the parties claiming have not yet come forward and paid for and taken a deed for, as by said Act required: *Provided*, Said lots and blocks, or portions thereof, are not paid for and deeds taken therefor within the time hereinafter specified.

Mayor to sell all
lots not paid for.

157. (Sec. 2.) The Mayor shall cause publication to be made for the space of thirty days, commencing within ten days from and after the passage of this act, in some newspaper published in Boise City, notifying claimants of lots and blocks, or portions thereof, in said Boise City, that he will, within ninety days from the date of the first publication of said notice, sell all lots and blocks, or portions thereof, within Boise City, for which a Mayor's deed has not been taken, at public auction to the highest bidder, for cash, at some place in said Boise City, to be designated in said notice, unless, prior to the expiration of said ninety days, such claimants or their agents come forward and pay the costs and charges and take a Mayor's deed for their lots and blocks, or portions thereof. The amount to be paid by such claimants shall be as fixed by the Act to which this Act is supplemental, with ten per cent. added by way of costs. All amounts collected under the provisions of this Act shall be paid into the Treasury of Boise City.

Notice of sale to
be given.

TO PROVIDE FOR A GRADED PUBLIC SCHOOL.

AN ACT to create the independent school district of Boise City, and to provide for establishing and maintaining a graded public school therein.

[Approved February 4, 1881.]

SECTION	SECTION
158. Boundary.	174. Deed of property sold
159. Board of trustees; vacancies; term of office.	175. Redemption.
160. Qualifications.	176. Evidence of taxes unpaid.
161. Officers of board.	177. Evidence of title of property
162. Neglect of duty.	178. Moneys collected; uncollectd taxes
163. Meetings of board; quorum; rules.	179. Additional, tax
164. Bonds for erection of buildings.	180. Treasurer of district
165. Public moneys for district; number of districts	181. Bonds to be sold, site of building.
166. Payment of interest on bonds; and bonds	182. Plans and specifications.
167. Change of boundary lines.	183. Debts and property of districts incorporated
168. Notice of tax.	184. Grade of schools.
169. Delinquent list.	185. Powers of board of trustees; employment of teachers; text books; repairs, etc.
170. Publication of list; sale of property.	186. Election of trustees; officers of election.
171. Place of sale.	187. Voting and tie votes.
172. Payment of delinquent tax.	
173. Certificate of sale.	

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

158. (Section 1.) All that part of Ada County described as follows, to-wit:

Commencing at a point on the north bank of Boise river, at the center of the northwest quarter of section number fourteen, in township number three north, range number two, east of the Boise meridian;

Thence north to the center of west half of section number eleven;

Thence east to the center of east half of section eleven;

Thence north to the south boundary of Fort Boise reserve;

Boundary.

Thence southwesterly along said boundary to the southwest corner of Fort Boise reserve;

Thence northwesterly to the northwest corner of Fort Boise reserve;

Thence northeasterly along the north boundary of Fort Boise reserve to the intersection of section number one;

Thence north to the corner to sections number 25, 26, 35 and 36, in township number four north, of range number two, east of the Boise meridian;

Thence west to the center of the east half of sections number 28 and 33, in township number four north, of range number two, east of the Boise meridian;

Thence south to the center of the northeast quarter of section number four, in township number three north, range number two, east of the Boise meridian;

Same.

Thence west to the Boise river;

Thence in a southeasterly direction up Boise river, with its meanderings, to the place of beginning.

Is hereby constituted an independent school district, and created a body corporate by the name of the Independent School District of Boise City, and in such name may contract, sue and be sued, and take, hold and convey property real and personal.

Am-1905-p372

Am 1917-p240

159. (Sec. 2.) There shall be in said district a Board of six Trustees, a majority of whom shall from time to time fill any vacancy in the board. Christopher W. Moore, Hosea B. Eastman, John Lemp, Peter, J. Pelly, Charles Himrod and Richard Z. Johnson, shall constitute such Board of Trustees; but if a majority of said persons shall fail to qualify and act as such trustees, or if at any time there shall be less than four trustees, the City Council of Boise City shall fill the vacancies in said board; but when a majority of the board is present and acting, they may, and it is their duty to fill any vacancy in the board; and any person appointed as aforesaid, to fill any such vacancy in the board, shall hold under such appointment until the expiration of the term to which he was appointed. The regular term of office of said trustees shall be six years, and two members of the board shall be elected, as hereinafter provided, on the first Monday of September, A. D. 1882, and two, biennially thereafter; and at the regular meeting of the board in July, 1882, they shall determine, by lot, two of their number, whose term shall expire at the regular meeting of the board after the election hereinafter provided for the first Monday of September, A. D. 1882; and two members whose terms shall expire at such meeting A. D. 1884; and two whose term shall expire at such meeting A. D. 1886.

160. (Sec. 3). Every trustee shall be a resident free-holder within said district, and before entering upon his duties shall take and subscribe an oath faithfully to perform the duties of his trust according to law; and no trustee shall be interested in any contract let or made, by, or with, the board or any officer thereof, or in any supplies furnished to or for said district, or a surety for the performance of any contract with the said board or district, or the agent or partner of any contractor with said board or district, and no action shall be maintained or recovery had against said board or district upon any contract or obligation in which any trustee is so interested, but the same shall be void.

161. (Sec. 4.) The Mayor of said city shall be the president of said Board of Trustees and shall preside at their meetings, when present, but shall have no vote except in case of a tie, when he shall give the casting vote. The trustees may choose one of their number vice president to preside in the absence of the Mayor, and shall choose one of their number, or some other competent person, clerk of the board, to act during their pleasure, and may fix his compensation; they shall also choose one of their number or some other competent person, Treasurer of the district, and fix his compensation, and the Treasurer shall execute to the district an official bond, with two sufficient sureties, in such sum as shall be required by the Board of Trustees, conditioned faithfully to perform the duties of his trust and faithfully to account for, and pay over as may be required by the Board of Trustees, all moneys that may come to his hands as such officer.

162. (Sec. 5). If any trustee shall die, remove from, or cease to be a resident freeholder of the district, his office as such trustee is vacant, and shall be filled as before provided. And if any trustee shall neglect or refuse to act as such, or shall fail, without just excuse, to attend four successive regular meetings of the board, a majority of the board, or, if there

Board of trustees.

Ind. School
District of
Boise City
Charter
sec. 2
amended
S.L. '43, c. 12
sec. 1, p. 33

Vacancies.

Term of office.

Qualifications.

Officers of board.

AM 1907-18

Charter Ind.
School Dist.
Boise City
sec. 4
amended
L. '39 c. 91
sec. 1 p. 151

Neglect of duty.

Meetings of
board.

Am 1907-78

Quorum.

Rules.

Bonds for erec-
tion of school
building.

be no such majority in office, the City Council may declare his office vacant, and fill the vacancy as above provided.

163. (Sec. 6.) Regular meetings of the Board of Trustees shall be held on the second Monday of each month, and special meetings may be called by the Mayor or the Vice-President of the board, or by any two trustees, by personal notice of the time and place of such meeting to each member of the board, or if he cannot be found, by leaving such notice at his place of residence, with some person of suitable age and discretion. Four trustees, with or without the Mayor, shall constitute a quorum for the transaction of any business, but a less number may adjourn any regular meeting from time to time until a quorum can be obtained. The board shall make such rules and regulations as it may deem expedient and necessary for its government, and the government of its appointees and the pupils, and no meeting of the board not provided for by its rules, or by law, shall be legal, unless all the members thereof have been notified as provided for in this section.

164. (Sec. 7.) For the purchase of a site and the erection of a proper union school building in said district, there shall be issued by said trustees twenty-five thousand dollars of negotiable coupon bonds of said district, in sums of one hundred, and five hundred dollars each, bearing interest at the rate of eight per centum per annum, payable semi-annually, on the first day of January and the first day of July of each year; and twenty-five hundred dollars of said bonds shall mature on the first day of July, 1886, and twenty-five hundred dollars thereof on the first day of July annually thereafter until all are paid; and the First National Bank of Idaho, at Boise City, or in case said bank shall not be in existence, at the office of the Treasurer of said district in Boise City. Said bonds shall be issued in the corporate name of said district, sealed with its corporate seal, signed by the Mayor as president of the Board of Trustees, and countersigned by the clerk of said board, and shall bear such vignette and devices as the trustees may direct; they shall, previous to being negotiable, be numbered consecutively and registered by the clerk of the board in a book kept by him for that purpose, which shall be a public record, noting the amount, time of payment, and rate of interest, and all of said bonds shall state on their face that they are issued under the provisions of this act. And if, during the construction of the school building hereinafter provided for, the Board of Trustees shall find it necessary to the completion and furnishing of the same, and for the providing of all necessary fixtures and apparatus, they may issue an additional amount of said bonds, not exceeding ten thousand dollars additional, which shall be in all respects similar to, and shall be registered and numbered consecutively after the first issue; and twenty-five hundred dollars thereof shall mature on the first day of July next after the last of the first issue shall have matured, and a like amount on the first day of July annually thereafter until all are paid.

165. (Sec. 8.) Said independent school district shall receive from the public school moneys of Ada County, both county and territorial, now distributed, or that may be distributed under the general school law of the Territory, in addi-

Public moneys
for use of dis-
trict

Ind. School
District of
Boise City
Charter
sec. 8
amended
S.L. '43, c. 12
sec 2, p. 33

tion to the per capita share of said district, in proportion to the number of children in said district between five and twenty-one years of age, as shown by the last report of the school census marshal of said district, one equal share with the other districts of said county for every fifty children, or fraction of thirty-five children in said district, between the ages aforesaid, as shown by such report, of said school moneys divided, or that may be divided, among the several organized districts of said county that have complied with the provisions of the general school law, and said moneys shall be apportioned accordingly; and said moneys at each apportionment, after the passage of this Act shall be paid by the Treasurer of Ada County to the Treasurer of said district, taking his receipt therefor; *Provided*, that the number of school districts in the county outside of said independent school district, shall not be increased so that the average number of children in said districts of school age, shall be less than twenty-six.

166. (Sec. 9.) When said district shall have issued bonds under the provisions of this Act, it shall be the duty of the Board of Trustees to levy and assess an annual tax on all the taxable property of said district, found upon the last completed and equalized assessment roll of Ada County, in an amount sufficient to pay the interest coupons upon all the outstanding bonds, when, and as fast as said coupons shall become due according to their tenor and effect, after deducting from the amount of such coupons growing due within the ensuing twelve months, any moneys received under the preceding section and in the Treasury of the district, and not necessary for the support and maintenance of the schools thereof; and the Treasurer of said district shall collect said taxes in cash only, as hereinafter provided, and shall pay the same into the Treasury of said district to be by the Treasurer applied in payment of the interest coupons of said bonds as they mature. And after the expiration of four years, next after the issue of said bonds, and annually thereafter until the full payment of said bonds, the said Board of Trustees shall provide by taxation for, and shall collect twenty-five hundred dollars of the principal of said bonds, over and above the cost and expense of collection, which amount shall be assessed and collected the same as the tax for the payment of the interest coupons, and when collected shall be turned over to the Treasurer of said school district; said money to be used only in the payment of said bonds. And the said payment shall be made by the Treasurer of the district at the First National Bank of Idaho, in Boise City, or in case said bank shall not be in existence, at the office of said Treasurer, in Boise City as before provided, whenever any interest on, or any part of the principal of, said bonds shall be due and payable according to terms thereof. And the Treasurer shall cancel the bonds redeemed in the presence of the Board of Trustees, and a minute of such cancellation shall be made by the clerk of the board in the register of the bonds, after which they shall be at the disposal of the board. And for the purpose of making the assessment and levy mentioned in this section, said Board of Trustees shall have access to the assessment rolls of the County of Ada and the clerk of said board and the Treasurer of said district may take transcripts

Ind. School
District of
Boise City
Charter
sec. 9
amended
S L '43, c. 12
sec. 3, p. 33

Number of
districts in
county.

Ind. School
District of
Boise City
Charter
sec. 9
sub-sec.
1-17 made
new sections
9-1 to 9-17
S L '43, c. 12
sec. 3, p. 33

Payment of in-
terest on bond.

Payment of
bonds

Independent
School Dist.
of Boise City
Charter
Sec. 9A
Repealed
S L '45 (1st E.S.)
c. 29 Sec. 1
p. 34

38

Boise Ind.
School Dist.
Charter
sec. 9(a)
New sec.
added
L. '41 c 77
sec 1 p. 145

ADA COUNTY SPECIAL ACTS.

Change of
boundary lines
of district.

of any part thereof, and any such transcript, certified by either of said officers shall be *prima facie* and competent evidence of what it purports to contain.

167. (Sec. 10.) No change in the boundary lines of said District shall release the taxable real estate of the district from assessment and levy of taxes to pay the interest and principal of said bonds, and the taxable property of said district is hereby solemnly pledged for the payment of the same; and if there shall be any change of the lines of said district, so as to leave any portion of the taxable real estate of the district out of the district, which was subject to taxation in the district at the time of the issue of said bonds, the assessment and levy for principal and interest of such bonds shall be made on such property as if it were still within the district, and if there shall be any change of the lines of said district so as to annex any taxable real estate, after the issue of said bonds, the real estate so annexed shall thereafter be subject to the assessment and levy for principal and interest of said bonds until they are fully paid.

Notice of tax.

168. (Sec. 11.) Upon the levy of any tax authorized by this Act, the Treasurer of said district shall immediately give notice thereof by publication, for four successive weeks, in some newspaper published in said district, and in two such newspapers, if there be two published in said district, which notice shall state the rate, or the amount upon the dollar, of the levy, and that such tax is payable and will, at the expiration of thirty days from the first publication of said notice, be due at the office of the Treasurer of said district, upon all taxable property of said district found upon the assessment roll of Ada County for the year 18— (inserting the year of the assessment roll upon which the levy was made) and unless paid within said thirty days will become delinquent and will be collected according to law.

Delinquent list.

169. (Sec. 12.) At the expiration of said thirty days the Treasurer of said district shall enter upon his official tax book a statement that he has made a levy upon all the property upon which said tax was levied by the board of trustees as aforesaid, the taxes upon which have not been paid, and shall immediately ascertain the total amount of said taxes then delinquent, and file in the office of the clerk of said board, a statement of said amount, verified by the oath of himself or deputy, and shall proceed to make out and file with the clerk of the board a list of all persons and property then owing any taxes, verified by the oath of himself, or deputy, which list shall be completed within five days from the expiration of said period of thirty days, and shall be known as the delinquent list of said district.

Publication of
list.

170. (Sec. 13.) Said Treasurer shall thereupon cause said delinquent list to be published, giving in said publication the name of the owner (when known) of all real estate, of all improvements, together with such a condensed description of the property that it may be easily known, and also a similar condensed description of any real estate or improvements assessed to unknown owners and also the name of every party delinquent for any tax on personal property, and also opposite each name or description the amount of taxes, including the costs, due from each delinquent person or property, which costs shall be one dollar for each

name or assessment of property, in addition to the fifteen per cent. hereinafter provided, all of which costs and percentage shall be paid into the Treasury of the district. The publication by this section required shall be made by one insertion, one time a week for three successive weeks, in a newspaper published in said district, or a supplement thereof, but the Treasurer may omit from said publication any property, the taxes upon which, together with fifteen per cent. thereon and said costs, shall have been paid after the same became delinquent as aforesaid, and before the publication. Said publication shall also designate the time and place of commencing the sale, which time shall not be less than twenty-one days from the first appearance of the publication, and the place of sale shall be in front of the city hall or place of meeting of the City Council of Boise City. On the day and at the place fixed for the sale, or on some subsequent day to which he may have postponed it, of which he shall give due notice, the Treasurer shall, between the hours of ten o'clock A. M. and three o'clock P. M., commence to sell the real estate and improvements advertised, and upon which the taxes, percentage and costs have not been paid, commencing at the head of the list and continuing it alphabetically through, unless the sale is adjourned until another day; and power is hereby given to the Treasurer to postpone the day of commencing the sale, and to postpone the sale from day to day, after it has commenced, if he deems best for the interest of the district, or if the interest of the taxpayers will be served by such postponement; but the sale shall be completed within one week from the day first fixed as the day of sale. The person who will take the least quantity or smallest part of the property, or, in case an undivided interest is assessed, then the smallest portion of such interest, and pay the taxes and costs due, including one dollar, which the Treasurer shall be entitled to receive for a duplicate certificate of sale, shall be declared to be the purchaser, and shall pay the taxes and costs thereon before ten o'clock A. M. of the following day, or the property shall on the next day, before the regular list is commenced, be again put up and sold as though it had not been offered; and any person bidding off any property and not taking it, shall be excluded from again bidding on any property advertised in the delinquent list. But the Treasurer in selling any property under this section shall only sell the smallest quantity, that any purchaser will take and pay the taxes and all costs, in all cases to be designated by the owner or possessor thereof, if present; *Provided*, that when the day upon which any act is required, by this act to be done or performed, falls on Sunday, or any legal holiday, the same may be done or performed on the next succeeding day.

Sale of property
for tax.

Place of sale.

Charter Ind
School Dist.
of Boise City
sec. 14
amended
L. '39 c. 91
sec. 2 p. 151

Boise Ind
School Dist
Charter
sec. 14
Amended
L. '41 c. 77
sec. 2 p. 146

Independent
School Dist.
of Boise City
Charter
Sec. 14
Amended
S.L. '45 (1st E.S.)
c. 29 Sec. 2
p. 34

171. (Sec. 14.) In all cases when such property is real or fixed, the sale shall be in front of the City Hall, or place of meeting of the City Council of Boise City; in all other cases it shall be the duty of the treasurer to seize any property whatever belonging to the delinquent, and, upon one day's notice, posted in three public places in the district, to sell so much thereof as may be necessary to pay taxes and costs and expenses of sale. If any real estate, or the improve-

ments thereon, cannot be sold for the amount of taxes and charges due thereon, it shall be passed over for the time being, but shall, before the close of the sale, be reoffered.

Payment of delinquent tax.

172. (Sec. 15.) At any time after the publication of the delinquent list and before the sale of the property of any delinquent taxpayer, he may pay into the Treasury of the district the taxes due thereon, with twenty-five per cent. thereon additional, and the costs and expenses to the time of payment, and upon such payment such property shall not be sold.

Certificate of sale.

173. (Sec. 16.) Upon receiving the taxes and costs for any property sold, the Treasurer shall issue to the purchaser a certificate that he has sold the property (describing it), specifying the amount of taxes and costs, and that the property was sold for the payment of delinquent school tax levied for the year 18—; and he shall date such certificate on the day of sale.

Deed of property, sold for taxes

174. (Sec. 17.) The purchaser shall file such certificate in the office of the County Recorder of Ada County, and it shall constitute a valid lien against the property specified therein, and shall entitle the purchaser, at the expiration of the time hereinafter specified within which such property may be redeemed, to a deed, which, if there be no redemption, the Treasurer shall officially execute, and for which he shall receive from the purchaser the sum of two dollars and fifty cents.

Redemption.

175. (Sec. 18.) All real estate so sold for delinquent taxes may be redeemed from such sale by any person interested therein, as in case of sale upon execution, as provided in civil cases, by paying to the purchaser, or depositing with the Treasurer for him, the amount of taxes and costs with fifty per cent. thereon; or twenty-five per cent. thereon, if the redemption is made within three months from the date of the certificate of sale. And in case of redemption, the Treasurer shall mark the word "redeemed," the date, and by whom redeemed, across the certificate on file in the Recorder's office, and also mark the word "redeemed" on said delinquent list, for which services the Treasurer shall receive from the redemptioner the sum of one dollar.

Evidence of taxes unpaid.

176. (Sec. 19.) Said delinquent lists, or a copy thereof, certified by the Treasurer of said district, showing unpaid taxes against any person or property, shall be *prima facie* evidence in any court to prove the assessment, the property assessed, the delinquency, the amount of taxes due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

Evidence of title of property.

177. (Sec. 20.) The Code of Civil Procedure of this Territory, so far as the same is not inconsistent with the provisions of this Act, is hereby made applicable to proceedings under this act, and any deed derived from a sale of real property under this Act shall be conclusive evidence of title, except as against actual frauds, or prepayment of the taxes upon which such sale was made, and shall entitle the holder thereof to a writ from the District Court to obtain possession of such property.

178. (Sec. 21.) The Treasurer shall, on the receipt of any money for taxes, enter each collection, and the date thereof, opposite the proper names, or property, in the delinquent list,

which shall be open to public inspection; and all moneys collected under this Act shall without delay be paid into the treasury of the district; and upon the completion of any sale for delinquent taxes the Treasurer shall file with the clerk of the Board of Trustees a list of all such sales made by him under the provisions of this Act, stating therein the names of the delinquents (if known), or, if unknown, a description of the property, and such list shall be verified by his affidavit that it contains all sales made by him. The Treasurer shall at the same time deliver to the clerk of the board a written statement of all delinquent taxes upon said delinquent list remaining uncollected, with his reasons in detail for not being able to collect the same, or for not making sales, and the Board of Trustees shall revise the same by striking off such taxes as cannot be collected, and the list shall then be returned to the Treasurer, and he shall proceed to collect the delinquent taxes not so stricken off, as other delinquent taxes are collected.

Moneys collected.

Uncollected taxes.

179. (Sec. 22.) If the moneys received under section eight are not sufficient for the support and maintenance of the school and to pay the current expenses of said district, the Board of Trustees may include in any levy made by them for the payment of the interest or principal of said bonds under section nine, an additional tax upon the property mentioned in said section, not exceeding one per cent., for the support and maintenance of the school and payment of the current expenses of the district, and may, if found necessary for such purpose, after the payment of said bonds, levy such tax annually.

REPEALED - 1923 - p 330

Additional tax.

180. (Sec. 23.) The Treasurer of said district shall, at the regular meetings of the Board of Trustees in April and November, and as much oftener as required by the board, make a full detailed and verified statement of all moneys received by him, and the persons and sources from which it was received, and of all moneys disbursed and paid out, and the persons to whom and the purposes for which it was disbursed, and of the balance on hand. And the Treasurer shall not pay out or disburse any moneys belonging to said district, except in payment of the principal and interest of said bonds when due according to their terms, without an order or requisition of the board, or the proper officers thereof, under such regulations as the board may establish.

Treasurer of district

181. (Sec. 24.) The Board of Trustees, or the Treasurer of the district under their direction, shall negotiate and sell said bonds for cash, and the proceeds thereof shall be placed in the Treasury of the district; and the bonds having the shortest time to run shall be first sold; and when twelve thousand five hundred dollars of said bonds have been so sold, the board shall secure an appropriate site for a union graded school building; and the remaining twelve thousand five hundred dollars of said bonds shall not be negotiated until such a site is secured and plans and complete specifications of the proposed school building, by a competent architect, are secured and adopted by the board. The board shall not expend more than four thousand dollars of the proceeds of said bonds in the purchase of a site for said building, and the remainder of the proceeds of said twenty-five thousand dollars of bonds, after

Bonds to be sold.

Site of building.

payment for the site, shall be devoted by the board to the erection, completion, equipment and furnishing of such school building; and if a suitable site for said building shall be secured without expense to said district, then the whole of the proceeds of said twenty-five thousand dollars of bonds, shall be so devoted; and Boise City is hereby authorized and empowered to convey to said school district, as a site for said building, the westerly half of the square bounded by Jefferson, State, Sixth and Eighth streets, as designated on the official plat of Boise City, in the Recorder's office of Ada County, and the Mayor of the said city is authorized and directed in his official capacity to execute such conveyance to said district in trust for the erection and maintenance of a union graded school building thereon, and said Board of Trustees is authorized to accept such conveyance upon such trust, for and on behalf of said district, and in such case to erect said school building thereon.

Plans and
specifications

182. (Sec. 25.) The Board of Trustees is authorized to expend not exceeding one thousand dollars of the proceeds of said bonds to secure plans and complete specifications for said building, by a competent architect; and they may appoint one of their number, or some other competent person, the superintendent of the construction thereof, and allow him such reasonable compensation for his services as may be just; but any plans and specifications adopted by the board, shall be on the basis of the erection, completion, equipment, and furnishing of the building ready for use, with all necessary apparatus, including the necessary cost and improvement of the ground and the expense of an architect and superintendent of construction, for twenty-five thousand dollars, and the board shall not issue any part of the additional ten thousand dollars of bonds hereinbefore authorized, except to meet some unforeseen deficiency in the proceeds of bonds, or otherwise, or when found necessary to render the expenditures already made fully available for the best interests of the district.

Debts and
property of
districts incor-
porated in dis-
trict of Boise
city.

183. (Sec. 26.) Said building shall be completed and ready for occupation by the schools of the district by the first Monday of September, A. D. 1882. All the property, rights and powers of school districts numbers one, twenty-two, and twenty-four, of Ada County, are hereby conveyed to the district by this Act created, and said district shall pay all the just indebtedness of said districts, numbers one, twenty-two and twenty-four. The Board of Trustees provided for by this Act, may, whenever any of said property shall be no longer necessary, or when the best interests of their district require it, dispose of any of said property, and the proceeds thereof shall be paid into the Treasury of the district; and until the completion of said union school building, said board may maintain such schools in such places in their district as in their judgment may be necessary.

Grade of
schools.

184. (Sec. 27.) And, upon the completion of said building, the Board of Trustees shall establish in said district a graded union free school of four grades, a primary, a secondary, a grammar, and a high school; and said board shall exercise all the powers and perform all the duties, with reference to the schools of said district, that are accorded to and required of school trustees throughout the Territory by the general

school law, when not otherwise provided by this Act; and shall have power to establish and prescribe the qualifications and manner of examination for admittance to the several grades of said union school, and regulate the branches taught and the discipline of the schools of the district. And every child, resident of said district, and between the ages of six and twenty-one years, shall, of right, be entitled to the advantages of said school and of every department thereof, according to their proficiency, without charge therefor.

185. (Sec. 28.) The Board of Trustees of said district shall have power, and it shall be their duty:

Powers of board of trustees.

AM 1907-p 9

First. To make such by-laws for their own government, and for the government of the schools of the district, as they may deem expedient, not inconsistent with the provisions of this act.

By-laws.

Second. To employ or discharge teachers, mechanics, and laborers, and to fix, allow, and order paid their salaries and compensation, and to determine the rates of tuition for non-resident pupils.

Employment of teachers.

Third. To fix the course of study, the exercises, and the kind of text-books to be used; *Provided*, that but one kind of text-books of the same grade or branch of study shall be used in the same department of the school, and that after the adoption of any book it shall not be changed in less than three years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered, or the supply stopped.

Text books.

Fourth. To provide for school furniture, fixtures, and apparatus, and for everything needed in the school house or for the use of the board.

Furniture.

Fifth. To rent, repair and insure school houses and property, and preserve the same for the benefit of the schools of the district.

Repair of school houses.

Sixth. To build or remove school houses and buildings and to purchase or sell school lots.

Building.

Seventh. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six years of age.

Expel pupils.

Eighth. To determine the number and qualifications of teachers that shall be employed, and length of time that the school shall be kept; to fix the time for the opening or closing of school, and for the dismissal of primary pupils before the regular time for closing schools.

Qualifications of teachers.

Ninth. To provide books for the use of indigent children, on the written statement of the teacher that the parents of such children are not able to purchase them.

Books for poor.

Tenth. To require pupils to be furnished with proper and suitable books as a condition of membership in the school.

Proper books.

Eleventh. To exclude from the schools and school libraries of said district all books, tracts, papers or catechisms of a sectarian nature.

Sectarian books, etc.

Twelfth. To require teachers to conform to the law and the regulations of the board.

Law of board.

Thirteenth. To protect the morals and health of the pupils while at school.

Morals.

186. (Sec. 29.) There shall be an election for two members of the Board of Trustees of said district, held on the first

Election of trustees. AM 1925-p 85

Officers of
election.

Monday of September, A. D. 1882, and biennially thereafter, and the clerk of the board shall give ten days notice of the time and place of said election by publication in some newspaper published in said district. Every resident property taxpayer of said district, who has been such resident of the district for the three months next prior to any such election, and who is legally qualified to vote at a general election for county officers in Ada County shall be entitled to vote at said school election in said district. Any person offering to vote may be challenged by any legally qualified elector of the district, and any one of the judges of the election shall thereupon administer to the person challenged, an oath, as follows: "You do solemnly swear (or affirm) that you are a citizen of the United States; that you have resided in this Territory for four months last past; and in this school district for three months last past; and that you are now a resident property taxpayer of this school district; that you are twenty-one years of age; and that you have not voted at this election." If he shall refuse to take such oath or affirmation, his vote shall be rejected; Any person guilty of voting illegally shall be punished as is or may be provided in the general election law of this Territory for the punishment of illegal voting at a general election. Any three members of the Board of Trustees whose terms are not to be filled at said election, may act as judges of the election, and should there not be three such members present at the opening of the polls, the electors present shall appoint a legal voter to fill the vacancy. One of the judges shall act as clerk. At said election the polls shall be opened by one of the Board of Trustees, or by any qualified voter, if no trustee shall be present, at ten o'clock in the forenoon, and closed at four o'clock in the afternoon of the same day. Such election shall be conducted generally, when not otherwise provided by this Act, as county elections are conducted; and any member of the Board of Trustees, or any magistrate, may qualify the officers of election faithfully to perform their duties as such, and to make true returns of said election to the board of trustees of said district; and for any violation of such duties, any of said officers shall be liable to the same pains and penalties as are or may be provided by the general election law for like offenses by officers of any general election.

The votes.

187. (Sec. 30.) Voting at said elections shall be by ballot, and immediately after the closing of the polls, the judges shall proceed to count the votes and ascertain the result, and the two persons qualified to be elected, who shall receive the largest number of votes, shall be declared elected, and the judges of election shall certify the result and deliver such certificate with the poll-lists and tally-sheets to the clerk of the Board of Trustees; and if upon counting the votes there shall be a tie and three qualified persons shall have the highest number of votes, the Board of Trustees shall choose two from among the three; or if one qualified person shall have the highest number of votes and two or more qualified persons shall have the second highest number of votes, said board shall choose one trustee from among said persons.

NEW SECTIONS NUMBERED
31 TO 37 ADDED 1907-P 11-14
NEW SECTIONS NUMBERED
38, 39, 40 ADDED 1925-P 53

SECS. 32, 33, 34 AND 36
REPEALED 1925, P 85

AN ACT supplementary to an Act entitled "An Act to create the independent school district of Boise City, and to provide for establishing and maintaining a graded public school therein," approved February 4th, 1881.
[Passed February 2, 1883.]

SECTIONS.		SECTION
188	Completion and furnishing school building,	189 Special election, Ballot; Result
	Additional bonds, payable when; Bonds due, amount of bonds issued.	

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

188. (Section 1.) For the purpose of the completion and furnishing of the school building, provided for in the Act to which this is supplementary, and providing the necessary fixtures and apparatus therefor, and grading, inclosing and improving the grounds thereof, the Trustees of said district are authorized to issue an additional amount of the bonds described in, and authorized, by said Act, not exceeding fifteen thousand dollars additional, which shall bear interest at the rate of six per centum per annum, payable semi-annually on the first day of January and the first day of July of each year, and shall be in all respects similar to and shall be registered and numbered consecutively after the first issue; and twenty-five hundred dollars thereof shall mature on the first day of July next after the last of the bonds heretofore issued under said Act shall have matured, and a like amount on the first day of July annually thereafter until all are paid. And all of the provisions of the Act to which this Act is supplementary, providing for the assessment, levy and collection of taxes for the payment of the interest and the principal of the bonds issued by said district, shall apply to the bonds authorized by this Act; and the principal and interest thereof shall be due and payable, and shall be paid according to the terms thereof; and the same shall be in all respects as valid and as binding and obligatory upon the district as though a part of the bonds originally issued by the district; *provided*, however, that not more than one half of the amount of the above bonds, to wit, the sum of seven thousand five hundred dollars (\$7,500) shall be issued by said Trustees of said district, unless at the election specified in the following section a majority of the votes cast shall be in favor of issuing the bonds for the remaining \$7,500.

189. (Sec. 2.) The Trustees of said district shall, at such time and place within said district as they may deem proper, call a special election, subject to the provisions of section 29 of the Act to which this Act is supplementary, so far as relates to notice of time and manner of conducting the election, and qualifications of voters. The voting at such election shall be by ballot on which ballot shall be written or printed, "Bonds, yes," or "Bonds, no." After the closing of the polls at such election, the judges shall proceed to count the votes and ascertain the result, and the judges shall certify the result and deliver such certificate

Completion and furnishing the school building.

Additional bonds.

Bonds due.

Amount of bonds issued

Special election.

The ballot.

The result.

with the poll list and tally sheets to the clerk of the Board of Trustees. If a majority of votes polled at such election as shown by such certificate shall be in favor of the issuance of such bonds, the Board of Trustees shall be empowered, and it is hereby made their duty to issue the said amount of bonds, not exceeding said sum of seven thousand five hundred dollars, subject to the provisions hereinabove prescribed.

AN ACT supplementary to an Act entitled "An Act supplementary to an Act entitled 'An Act to create the Independent School District of Boise City, and to provide for establishing and maintaining a graded public school therein,'" approved February 4, 1881. Passed February 2, 1883.

[Approved February 7, 1883.]

SECTION.

190. Prices at which bonds shall be sold.

Price at which
bonds shall be
sold.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

190. (Section 1.) None of the bonds authorized by or mentioned in the Act to which this Act is supplementary shall be sold or negotiated by said Board of Trustees at less than their par or face value; and upon the negotiation of any of said bonds, said Trustees shall be liable to said district for the deficit if any sum less than the par value of the bonds sold is covered into the Treasury of the district therefor.

TO PROVIDE FOR THE INCORPORATION OF THE TURN-VEREIN SOCIETY IN BOISE CITY.

AN ACT to provide for the incorporation of the Turn-Verein Society, in the town of Boise City, county of Ada, Territory of Idaho.

[Approved January 13, 1871.]

SECTION.

191. Body corporate.
192. Powers of corporation,

SECTION

193. Board of Trustees.
194. Certificate of election as trustees.
195. Annual report,

[Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:]

Body corporate.

191. (Section 1.) The Turn-Verein Society of the town of Boise City, shall be deemed a body corporate and politic, from and after the passage of this Act.

Powers of the
corporation.

192. (Sec. 2.) Said Turn-Verein Society shall have power in its corporate capacity to sue and be sued, in any court of competent jurisdiction; to make and use a common seal, and alter the same at pleasure; to acquire by purchase, bequest or donation, directly or indirectly, hold in perpetuity, sell and convey such property, real or personal, as may be deemed necessary by the proper authorities thereof, to carry out the purposes of said society; to provide for the indebtedness of said society, by the issuance of bonds or promissory notes, under the seal of the society, and signed by the board of trustees thereof; *Provided*, That at no time shall the indebtedness of said society, by the issuance of such bonds or promissory notes, exceed the sum of two thousand dollars;

to elect or appoint, according to their rules and customs, not less than three nor more than five persons to serve as trustees, who shall have charge of all real and personal property belonging to said society, and transact all business relative thereto, and that said society shall be entitled to all the rights, privileges and immunities usually had and enjoyed by such corporations.

193. (Sec. 3.) The corporate powers of said society shall be vested in a Board of Trustees, elected, or appointed, as provided in section one of this Act, said board being subject to such rules and regulations as may be adopted, according to the rules and customs of said society for the government of the same. They shall hold their office until their successors are elected or appointed. Vacancies in the Board of Trustees shall be filled as provided by the rules and regulations of said society, and said Trustees shall give such bonds as may be required of them by the rules of said society, conditioned for the faithful performance of their duties.

Board of trustees.

194. (Sec. 4.) Upon the election or appointment of Trustees, as provided in this Act, a certificate of such election or appointment shall be executed by the person or persons making the appointment, or by the judges holding the election, duly acknowledged before a competent officer, and shall be filed and recorded in the office of the recorder of said county of Ada.

Certificate of elect on as trustees.

195. (Sec. 5.) It shall be the duty of said Board of Trustees annually to make a full report of all property, real and personal, held in trust by them, and the condition of the corporation, to the said society.

Annual report.

TO PROVIDE A FREE BRIDGE ACROSS BOISE RIVER NEAR BOISE CITY.

AN ACT to provide a free bridge across Boise River near Boise City, in Ada County, and to establish a bridge commission in said county.

[Approved February 10, 1881.]

SECTION	SECTION
196. Free bridge.	201. Repairs.
197. Bridge commissioners, vacancies, compensation.	202. Bonds to be issued, maturity of; coupons
198. Examination of bridges; experts; contract for purchase.	203. Printing of bonds; number of; additional bonds.
199. Location new bridge; plans, bids; contractors' bonds.	204. Tax for payment of bonds and interest.
200. Amount to be expended, partial payments	

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

196. (Section 1.) Ada County shall purchase or construct, and shall maintain a free bridge over Boise river, opposite or near Boise City, the county seat of said county.

Free bridge.

197. (Sec. 2.) There shall be in said county, a commission of five, to be known as Bridge Commissioners, all of whom shall be residents and freeholders of the county and at least three of whom shall be residents of Boise City, and a majority of whom shall constitute a quorum for the transaction of business, and shall, from time to time, fill any vacancy in the commission. Christopher W. Moore, Thomas E. Logan, Jeremiah Brumback, George Goodrich and Isaac W. Coston

Bridge commissioners.

Vacancies.	shall constitute such commission; but, if a majority of said persons shall fail to qualify and act as such, or, if at any time before the expiration of the commission there shall be less than three Commissioners, the board of County Commissioners of said county shall fill the vacancies in said commission, by the appointment of some suitable and qualified person. Said commission shall continue until the first day of January, 1882, and until the completion and acceptance of the bridge authorized by this Act and the completion of any other bridge which Ada County may be authorized and required by the present Legislative Assembly to construct in whole or in part, and, before entering upon the duties of their office, each Bridge Commissioner shall take and subscribe an oath before the Clerk of the Board of County Commissioners, faithfully to perform the duties of his office to the best of his knowledge, skill and ability; and the members of the commission shall receive such compensation for their services as the Board of County Commissioners shall allow, not to exceed five dollars per day for the time actually employed by each, and no member of the commission shall be interested in any contract let or made by the commission, or in any labor done or supplies or materials furnished for, or by, or under the direction of the commission, or a surety for the performance of any contract, or the agent or partner of any contractor with the commission; and no action shall be maintained, or recovery had against said county or said commission upon any contract in which any member of the commission is so interested, but the same shall be void.	
Duration of commission.		
Compensation of commissioners.		
Examination of bridges.		
Experts.	198. (Sec. 3.) It shall be the duty of said commission within thirty days from the passage of this Act to make a thorough examination of the bridges over Boise river opposite Boise City, known as Ridenbaugh's bridge, and of the abutments, piers, timbers, embankments and approaches to the same, and of the channel of the stream, the sloughs and bars to be crossed, and for such purpose they may employ one or more experts or assistants, and such laborers as they may find necessary; and if, after such examination, they shall conclude that the purchase of said bridge by the county is expedient, they shall enter into negotiations with the owner or owners thereof for its purchase by the county, subject to the limitations and restrictions in this act contained; and, if such bridges can be purchased and a sufficient title obtained, on terms, the price, condition and location of the bridge and its approaches considered, more advantageous to the county than would be the erection of a new bridge, said commission shall enter into a contract for the conveyance of the premises, and every part and parcel thereof, to the County of Ada, and shall report their proceedings to the Board of County Commissioners of said county at their regular meeting in April next, and file such contract of purchase with the clerk of said board.	
Contract for purchase.		
Location of new bridge.		
	199. (Sec. 4.) If said commission shall not effect a purchase of said bridge, as provided in the last section, they shall, during the month of April next, proceed to select a location for a new bridge opposite Boise City, and in no case more than one mile above the point where the easterly end of the plat of Boise City, if extended, would cross Boise river, or more than one mile below the point where the westerly end	

would cross said river; and shall, without unnecessary delay, procure and adopt plans and specifications for the proposed bridge, and shall make a careful estimate of the probable cost of the same and of all necessary abutments, piers, embankments and protections to the same, and of the roads and rights of way leading to and from the same; and no plans and specifications adopted by the commission shall involve a greater expenditure than as hereinafter authorized. They shall file the plans and specifications in the office of the clerk of the board of County Commissioners, where they shall be subject to public inspection, and shall immediately proceed to advertise for four successive weeks, in such newspapers as they may think proper, for sealed proposals for the erection of said bridge and its approaches and protections, according to the plans and specifications on file, in which notice they shall reserve the right to reject any and all bids; and at the expiration of said notice, and at a time and place to be named therein, the commission shall publicly open said bids, and shall award the contract to the lowest responsible bidder, if not in excess of the expenditure hereinafter authorized, unless they shall for good and sufficient reasons reject all the bids,—in which case, and as often as they shall for sufficient reasons reject all the bids offered, they shall immediately re-advertise as before, and receive and open bids as above directed. But the commission may, if in their judgment expedient, receive separate bids and let separate contracts for the erection of the bridge and for the building of embankments, approaches, and roads to and from the same. The commission shall require from all contractors, a bond in such sum as the commission shall fix, with two sufficient sureties, conditioned for the faithful performance of their contract, and all such contracts and bonds made under this Act shall be made to or in the name of Ada County. The commission shall secure by purchase or condemnation the right of way for the necessary approaches to the bridge, and shall file all contracts entered into, with the Clerk of the board of County Commissioners, and shall make a report in writing of the proceedings of the commission to each regular meeting of the board.

200. (Sec. 5.) Any purchase or purchases made and any and all plans and specifications adopted and contracts let by the commission, shall be on the basis of an expenditure not to exceed twelve thousand dollars of the bonds of the county as hereinafter described, for the purchase of the bridge mentioned in section three, and putting the same and the approaches thereto in good repair, and protecting the same, and removing any bar or obstruction that may endanger the bridge or its approaches, or for the construction and completion of a new bridge with all necessary protections, approaches, embankments and roads leading to and from the same and connecting with public roads or streets now traveled. The contracts let, may provide for partial payments as the work progresses, but no part of the work embraced in one contract shall be accepted until the entire contract is completed; and any partial payments made shall not exceed seventy per cent. of the actual value of the part performed, and the remainder shall be reserved as an ad-

Plans and
specifications.

Bids for con-
struction.

Contractor's
bond

Right of way
for approaches.

Amount to be
expended.

Partial pay-
ments

ditional security for the faithful performance of the contract.

Repairs. 201. (Sec. 6.) In case of the purchase of said bridge mentioned in section three, the Bridge Commissioners shall cause the same to be put in good repair, and the bridge and its approaches to be secured and protected against injury from floods and high water, and may cause any bar to be removed or the current of the stream to be turned, when necessary or expedient for the protection of the bridge. And in case of the construction of a new bridge as authorized by this Act, all work done shall be under the supervision of said Commissioners, and it shall be their duty to see that the work and materials are according to contract.

Bonds to be issued. 202. (Sec. 7.) To carry out the foregoing provisions of this Act, there shall be issued not to exceed twelve thousand dollars of negotiable coupon bonds of said county of Ada, in denominations of one hundred, five hundred, and one thousand dollars each, bearing interest at the rate of eight per cent. per annum, payable semi-annually, on the 1st day of January and the 1st day of July of each year; and two

Maturity of bonds.

thousand dollars of said bonds shall mature and become due and payable on the 1st day of July, A. D. 1890, and the principal of two thousand dollars on the 1st day of July annually thereafter until all are paid; and the principal and the interest thereof shall be payable at the office of the treasurer of said county in Boise City; and, the length of time that each of said bonds runs before maturity, shall be expressed on the face thereof, and each shall have attached, when negotiated, semi-annual interest coupons covering the interest thereon, at the rate aforesaid, from the 1st day of January or the first day of July next after its sale until its maturity, as expressed in the bond, and no more. Said bonds shall be signed by the chairman of the board of County Commissioners of said county, and attested by the clerk of the board and its seal, and countersigned by the Treasurer of Ada County; they shall express on their face that they are issued under the provisions of this Act, and the Treasurer shall number said bonds consecutively and register the name in a book kept in his office for that purpose, which shall be a public record, and which shall show the dates of the negotiation and maturity of each, and the number of coupons attached to each when negotiated; and said Treasurer shall cancel each coupon detached from each bond before its negotiation, and each coupon and bond redeemed, in the presence of the board of County Commissioners, at their next meeting after any such coupon is so detached, or any coupon or bond is so redeemed, after which they shall be at the disposal of the board.

Coupons.

Printing of bonds.

203. (Sec. 8.) The Board of County Commissioners of said county shall immediately after the passage of this Act, secure the proper engraving and printing of the bonds authorized by this Act, and shall pay the necessary expense thereof out of the County Treasury; and said board shall, without delay, negotiate and sell sufficient of said bonds to pay the purchase price, if said Bridge Commissioners shall have entered into an agreement for the purchase by the county of the bridge and premises mentioned in section three, and sufficient to put the same and the approaches

thereto in good repair, and to protect the same, and remove any bar or obstruction that the Bridge Commissioners may deem it necessary to remove, and to pay the salary of the Bridge Commissioners and their necessary experts and assistants, and no more; but if said purchase is not made, they shall negotiate and sell sufficient of said bonds as may be required to meet the contracts of said Bridge Commissioners for the construction and completion of a new bridge, with all necessary protections, approaches, embankments, rights-of-way and roads leading to and from the same, as described in section five, together with the salary and pay of members of the commission, their experts and assistants; and if from any unforeseen cause it shall become necessary for the completion of said bridge or its approaches as aforesaid, or for its protection as aforesaid, and shall be so declared by a majority of said Bridge Commissioners; the board of County Commissioners may issue, negotiate and sell not to exceed three thousand dollars of said bonds in addition to said twelve thousand dollars; and the proceeds of all bonds negotiated under the provisions of this Act, shall be placed in the County Treasury, and devoted to the purposes in this act directed, and any surplus of such proceeds shall be devoted to the payment of the interest of said bonds.

Number of
bonds to be
sold

Additional
bonds.

204. (Sec. 9.) For the payment of the principal and interest of the bonds issued under this Act, the Board of County Commissioners of said county shall at the time of their levy of other county taxes, include therein a levy of sufficient tax upon all the taxable property in said county to pay the interest and such part of the principal of said bond, if any, as will, according to the terms thereof, become due during the ensuing year, after making all due allowances for delinquencies and the cost of collecting the same, and after deducting any moneys in hand subject to be so applied; and such tax shall be known as the bridge bond tax, and shall be collected and paid into the County Treasury as other county taxes are collected and paid, and shall constitute a separate fund to be known as the bridge bond fund, and shall not be diverted or used on any pretense or for any purpose except as above provided. And for the payment of the principal and interest of said bonds, according to the terms thereof, all the taxable property of said county is hereby solemnly and irrevocably pledged.

Tax for pay-
ment of in-
terest and
principal of
bonds.

Property pledg-
ed.

AN ACT to provide bridges across Boise River at or near Boise City, in Ada County, Idaho Territory, and at or near the lower end of what is known as the canyon, one mile above Caldwell, in said County and Territory.

[Approved January 26, 1885.]

SECTION.	SECTION
205 Bridge commissioners; vacancies, oath; compensation	209. Bonds to be issued, and how
206 Commissioners to repair bridges.	210. Engraving and execution of bonds, treasurer charged with
207. Plans to be procured; bids for construction; contractors' bonds	211. Tax for payment of bonds, property pledged for payment.
208 Amount to be expended	

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

205. (Section 1.) William P. Chandler, Peter Sonna and George Goodrich are hereby appointed a commission for

Bridge Commis-
sioners.

the purpose of repairing the old, or constructing a new bridge, across Boise River at or near the site of the bridge now belonging to Ada County, near Boise City, and known as the Ridenbaugh bridge. Said commission shall have the power conferred by this act; a majority of said commission shall constitute a quorum for the transaction of business, and shall have power to fill any vacancy in their number arising from resignation, removal, sickness or death. If at any time before the expiration of the commission there shall be less than two members on the commission, the Board of County Commissioners of Ada County shall fill the vacancies in said commission by the appointment of some suitable person, and for the purpose of filling said vacancies the Board of County Commissioners are authorized to meet at Boise City at any time it may be necessary, to fill such vacancies. Before entering upon the duties of his office, each Bridge Commissioner, or any one appointed to fill a vacancy, shall take and subscribe an oath before the Clerk of the Board of County Commissioners or any officer authorized to administer oaths, to perform the duties of his office to the best of his knowledge, skill and ability, and the same shall be filed with said Clerk. All persons appointed upon said commission shall be resident free-holders of Ada County, two at least of whom shall be residents of Boise City. The members of such commission shall receive such compensation as the Board of County Commissioners shall allow, not to exceed five dollars per day for each and every day actually engaged about the business of said commission. No member of the commission shall be interested in any contract let or made by this commission, or in any labor done, or supplies or material furnished, for, or by, or under the direction of the commission, or shall be a surety for performance of any contract, or the agent or partner, of any contractor with the commission, and no action shall be maintained or recovery had upon any contract either with the commission or any person employed by the commission, or with any employe thereof in which any member of the commission is either directly or indirectly interested, but any such contract shall be void.

Vacancies,

Oath to be taken.

Compensation.

Commissioners
to replace
bridge.

Plans to be
procured

206. (Sec. 2.) T. T. Danilson, Monte B. Gwinn and Sherman M. Coffin are hereby appointed a commission to repair or build a bridge across Boise river in Ada County, Idaho Territory, at the site of the bridge now known as the Caldwell Bridge; said commission are to have the same power as the commission provided for in Section 1, and all the provisions of Section 1 are to apply to the commission provided for by this section, except as to the residence of the Commissioners; two of the Commissioners provided for by this section, at least, shall be residents of the town of Caldwell, in Ada County, Idaho Territory.

207. (Sec. 3.) It shall be the duty of said commission without unnecessary delay after the passage of this Act, to procure and adopt plans and specifications either for repairing the old or constructing new bridges, as such commission may determine after a careful examination of the bridges and of the abutments, piers and approaches thereto, and of the channel and banks of the river in the vicinity of said bridges

and for the purpose of making such examination; the said commission may employ one or more experts and such laborers as they may find necessary. The plans and specifications adopted by said commission, shall be subject to the following limitation: No plan and specification shall be adopted that will require a larger expenditure, including the making of the approaches and embankments that may be required, and the protection of the banks of the river, and any changes of channel and bars of the river that may be necessary, than is hereafter provided for; as plans and specifications are adopted by said commission, they shall file the same with the Clerk of the Board of County Commissioners where they shall remain subject to public inspection. Upon the adoption of plans and specifications, the said commission shall proceed to advertise for sealed proposals for the erection or repair of such bridges, and the protection thereof and approaches thereto, according to the plans and specifications adopted. Such advertisements shall be in such papers as such commission shall select, not exceeding three, and shall run not less than two nor over ten successive weeks.

Bids for construction to be asked.

In said advertisements the commissions shall reserve the right to reject any and all bids. The bids received shall be publicly opened by said commissions at a time and place to be stated in advertisements, and each commission shall award the contracts to lowest responsible bidder, if not in excess of the expenditure hereafter authorized, unless they shall, for good and sufficient reasons, reject all the bids, in which case, and after they shall for sufficient cause reject all the bids offered for the whole or any part of the work, they shall immediately re-advertise as before, for the whole or parts of the work for which the bids have been rejected, and receive and open bids as above directed. The commission may, if in their judgment expedient, receive separate bids and let separate contracts for different portions of the works as well as for materials to be furnished. The commissions shall require from all contractors a bond in a sum at least equal to the amount of the contract let to said contractor, with two sufficient sureties to be approved by the commissions conditioned for the faithful performance of their contract, and all such contracts and bonds shall be made with and run to Ada County. The commission shall file all contracts made and bonds received with the Clerk of the Board of County Commissioners, and shall make a full report in writing of all their proceedings at each regular meeting of the Board of County Commissioners, until their work is done, when the bridges shall be received by the County Commissioners, and the commissions shall be discharged.

Contractor's bonds.

208. (Sec. 4.) The cost of repairing the old or constructing a new bridge at Boise City shall not exceed the sum of ten thousand dollars, including abutments, approaches, embankments and all protections to banks of river, approaches, abutments and piers. The cost of repairing the old or constructing a new bridge at Caldwell, shall not exceed the sum of six thousand dollars, including abutments, approaches, embankments, and all protections to banks of river, approaches, abutments and piers; but the old bridge at Caldwell shall not be repaired unless the same is conveyed to Ada County by a good and sufficient deed of conveyance,

Amount to be expended.

free from incumbrances and without charge to the county, including all approaches thereto.

Bonds to be
issued, and how.

209. (Sec. 5.) To carry out the foregoing provisions of this Act there shall be issued not to exceed sixteen thousand dollars of negotiable coupon bonds of Ada County, in denominations of not less than one hundred dollars, each bearing interest at the rate of eight per cent. per annum, payable semi-annually, on the first day of March and September of each year; two thousand dollars of said bonds shall mature on the first day of March, 1894, and two thousand dollars annually thereafter on the first day of March on each and every year until all are paid.

Sale of bonds.

Bridge fund.

The principal and interest of said bonds shall be payable at the office of the Treasurer of said Ada County at Boise City. The length of time that each of said bonds shall run before maturity shall be expressed on the face thereof, and each shall have attached, when negotiated, semi-annual interest coupons covering the interest thereon at the rate aforesaid, from the first day of March and the first day of September next after sale, until maturity of the bond and no more. Said bonds shall be signed by the Chairman of the Board of County Commissioners of said county attested by the Clerk of the Board and its seal, and countersigned by the Treasurer; they shall express on their face that they are issued under the provisions of this Act. The Treasurer shall number said bonds consecutively and register the same in a book to be kept in his office for that purpose, which shall be a public record and open to the inspection of the public, which registration shall show the number of the bond, the time of its negotiation, the time of its maturity, and the date, amount, and time of maturity of each coupon attached thereto at the time of its negotiation. The Treasurer of the county shall negotiate said bonds in the order of their maturity, commencing with those that mature first, and shall sell sufficient so that the proceeds shall be equal to the total of the contracts let by the said commissions under the provisions of this Act and the said proceeds of all the bonds negotiated shall be placed in a separate fund and devoted to the payment of the contracts made under the provisions of this Act. The Treasurer immediately upon the sale of any bond or bonds, shall immediately report the same to the Clerk of the Board of County Commissioners, who shall charge the amount to him on his books. Any surplus that may arise from the sale of bonds after the payment of the contracts made in accordance with the provisions of this Act, shall be placed in a fund known as the Bridge Fund, to be used in the payment of the principal and interest of said bonds as hereinafter provided. Each coupon and bond shall be paid out of said fund until the whole are paid. No coupon or bond shall be paid without its surrender to the Treasurer, and all coupons and bonds so paid by the Treasurer shall be presented to the Board of County Commissioners at their next regular meeting after such payment by the Treasurer, and shall be canceled by said Board. A record of which cancellation shall be kept by the Board in a book to be kept for that purpose. The said paid coupons and bonds shall be filed away until the whole are redeemed, when they shall all be destroyed. The Coun-

ty Treasurer shall mark "paid" upon the registry of bonds and coupons whenever any bond or coupon is paid.

210 (Sec. 6.) The Board of County Commissioners shall immediately after the passage of this Act, secure the proper engraving and printing of the bonds authorized by this Act, with the necessary coupons attached, and shall cause their Chairman and Clerk to sign and seal a sufficient number of bonds to pay the contracts entered into by said commissions and shall deliver the same to the Treasurer of the county for negotiation. All bonds so delivered to the Treasurer together with the coupons attached, shall be charged against the Treasurer and shall be fully accounted for by him, at each regular meeting of the Board, after they are so delivered. Before the sale of any bond, all coupons past due shall be detached by the Treasurer and returned and reported to the Board, and canceled, for which the Treasurer shall have credit. The report of the Treasurer shall show the bonds sold, the date of negotiation, the amount received, the number of coupons attached, and the parties to whom sold. Whenever the Treasurer has fully accounted for all the bonds and coupons received by him, he shall be credited therefor and charged with the proceeds. All expenses of printing and engraving said bonds as well as the allowance to the commissions, and the pay of any experts and laborers employed by the commissions under the provisions of sections 1 and 2 of this Act, shall be paid out of the County Treasury as other current expenses of the county are paid. The commissions shall see that the work is done by contractors in accordance with the terms of their contract, and whenever the said commissions shall receive any work from a contractor and certify to the Board of County Commissioners that there is an amount due such contractor in accordance with the terms of the contract, the Board of County Commissioners shall allow the claim of the contractor and cause a warrant to issue, to be paid out of the proceeds of said bonds, and it shall be the duty of the County Commissioners of said Ada County, after the repair or construction of said bridges by the commissions herein provided for, to watch and keep same bridges in repair and rebuild the same if need be, and the expenses of said protecting, repairing, or rebuilding, shall be paid as other current expenses of the county are paid.

Engraving and execution of bonds.

Treasurer charged with bonds.

Payment of contractors.

211. (Sec. 7.) For the payment of the principal and interest of the bonds issued under the provisions of this Act, the Board of County Commissioners shall, at the time of their levy of other county taxes, include therein a levy of sufficient tax upon all the taxable property in said county to pay the interest on the bonds sold, and the principal of said bonds, if any, that shall become due the ensuing year, after making all due allowance for delinquencies and the cost of collecting the same, and after deducting any moneys on hand subject to be so applied, if any; and such tax shall be known as the Bridge Tax and shall be collected and paid into the County Treasury as other county taxes are collected and paid, and shall constitute a separate fund to be known as the Bridge Fund, and shall not be diverted on any pretense for any purpose, except as above provided; and for the payment

Tax for payment of bonds

Property
pledged.

of the principal and interest of said bonds according to the terms thereof, all the taxable property of said county is hereby solemnly and irrevocably pledged.

TO PROVIDE FOR A BRIDGE ACROSS THE PAYETTE.
AN ACT to provide for the building of a bridge across the Payette, in Ada County.
[Approved February 6, 1883.]

SECTION	SECTION
212. Point of construction.	215. Bonds, issuance of; denomination of; interest, bonds become due, coupons; price of bonds
213. Date of commencement; estimate of cost; bids, advertise for; contract, award of, re-advertise; separate bids; contractors' bonds; sureties; date of completion.	216. Engraving and printing, expense of, surplus of proceeds of sale of bonds.
214. Cost of bridge, not to exceed; partial payment	217. Tax, name of

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Point of construction.

212. (Section 1.) The County Commissioners of Ada County are hereby authorized and empowered, and it is made their duty to locate and construct a bridge across the Payette river at some convenient point, to be designated by said County Commissioners, between a point on said river, one mile above what is known as Martin's Ferry, and what is known as Hunt's Ferry, in Ada County.

Date of commencement.

213. (Sec. 2.) Said County Commissioners shall, by the 15th day of February, A. D. 1883, proceed to select a location for and procure and adopt plans and specifications for the said proposed bridge, and to make a careful estimate of the probable cost of the same, and of all necessary piers, abutments, embankments and protections, which plans, specifications and estimates shall be filed with the Clerk of the Board of County Commissioners of said county, where they shall be subject to public inspection, and shall immediately proceed to advertise for two weeks in such newspapers as they may think proper, for sealed proposals for the erection of said bridge and its approaches and protections, according to the plans and specifications on file, in which notice they shall reserve the right to reject any and all bids, and at the expiration of said notice said County Commissioners shall meet as a Board and publicly open said bids, and shall award the contract to the lowest responsible bidder, if not in excess of expenditure hereinafter authorized, unless said board shall for good and sufficient reasons reject all the bids, in which case and as often as it shall for good reasons reject all the bids offered, they shall immediately readvertise as before, and receive and open bids as above directed. But the said County Commissioners may, if in their judgment expedient, receive separate bids and let separate contracts for the erection of the bridge, for the building embankments[and approaches to and from the same; the County Commissioners shall require from all contractors a bond in such sum as they shall deem necessary, and fix, with two sufficient sureties, conditions for the faithful performance of the contract, and all such contracts and bonds made under this Act shall be made to or in the name of Ada County; *Provided*, That said

Estimates of cost.

Advertise for bids.

Award of contract.

Readvertise.

Separate bids.

Contractor's bond.
Sureties.

bridge, with all its approaches and embankments, shall be complete on or before January 1st, A. D. 1884.]

214. (Sec. 3.) Any and all plans and specifications adopted and contracts let by said County Commissioners, under this Act, shall be on the basis of an expenditure not to exceed eight thousand dollars of the bonds of the County of Ada, as hereinafter described, for the construction of such proposed bridge, with all necessary protections, approaches and embankments, the contracts so let may provide for partial payment as the work progresses. But no part of the work embraced in our one contract shall be accepted until the entire contract is completed, and any partial payments made shall not exceed seventy-five per cent. of the actual value of the part performed, and the remainder shall be reserved as an additional security for the fulfillment of the contract.

215. (Sec. 4.) To carry out the foregoing provisions of this Act, there shall be issued not to exceed eight thousand dollars for negotiable coupon bonds of said County of Ada, in denominations of one hundred and five hundred dollars each, bearing interest at the rate of seven per cent. per annum, payable semi-annually, on the first day of January and the 1st day of July of each year, and one thousand dollars of said bonds shall mature and become due and payable on the 1st day of January, A. D. 1885, and one thousand dollars principal on the 1st day of January annually thereafter until all are paid; the principal and interest thereof shall be payable at the office of the Treasurer of said Ada County in Boise City, and the length of time each of said bonds runs before maturity shall be expressed on the face thereof, and each shall have attached, when negotiated semi-annually, interest coupons covering the interest thereon at the rate aforesaid, from the 1st day of January or the 1st day of July next its sale, until maturity, as expressed in the bond, and no more; said bonds shall be signed by the chairman of the Board of County Commissioners of said county and attested by the Clerk of the Board and its seal, and countersigned by the Treasurer of said Ada County. They shall express on their face that they are issued under the provisions of this Act, and the Treasurer shall number said bonds consecutively, and register the same in a book kept in his office for that purpose, which shall be a public record, and which shall show the dates of the negotiations and maturity of each, and the number of coupons attached to each when negotiated; and said Treasurer shall cancel each coupon detached from each bond before its negotiation, and each coupon and each bond redeemed in the presence of said Board of County Commissioners, at their next regular meeting, after such coupon is detached, or any coupon or bond is so redeemed, after which they shall be at the disposal of the Board; *Provided*, That said County Commissioners shall not negotiate or sell said bonds for less than their par value.

216. (Sec. 5.) The Board of County Commissioners of said county shall, within a reasonable time after the passage of this Act secure the proper engraving and printing of bonds authorized by this Act, and shall pay the necessary expense thereof out of the County Treasury; and said Board

Date of completion.

Cost of bridge.

Not to exceed.

Partial payment

Issuance of bonds.

Denomination of Interest.

Bonds become due.

Coupons.

Price of bonds.

Engraving and printing of bonds

Expense.

Surplus of proceeds of sale of bonds

Tax.

Name of tax.

shall without delay negotiate and sell sufficient of said bonds as may be required to meet the contracts entered into by said County Commissioners for the construction and completion of said proposed bridge, and all necessary protections, approaches and embankments leading to and from the same, as described in section three (3), together with any overseer or expert's salary, or pay for the extra duties performed by said County Commissioners, and the proceeds of all bonds negotiated under the provisions of this Act shall be placed in the County Treasury, and devoted to the purpose in this Act directed; and any surplus of such proceeds, after the completion of said bridge herein provided, shall be applied to the payment of the interest of said bonds.

217. (Sec. 6.) For the payment of the principal and interest of the bonds issued under this Act, the Board of County Commissioners of said county shall, at the time of their levy of other county taxes, include therein a levy of sufficient tax upon all the taxable property in said county to pay the interest and such parts of the principal of said bonds, if any, as will, according to the terms thereof, become due during the ensuing year, after making all due allowances for delinquencies and costs of collecting the same, and after deducting any money on hand subject to be so applied; and such tax shall be known as the Payette Bridge Bond Tax, and shall be collected and paid into the County Treasury as other county taxes are collected and paid, and shall constitute a separate fund, to be known as the Payette Bridge Bond Fund, and shall not be diverted or used for any purpose except as above provided; and for the payment of the principal and interest of said bonds, according to the terms thereof, all the taxable property of said county is hereby solemnly and irrevocably pledged.

AN ACT to provide for the building of a bridge across the Payette, in Ada County.
[Approved January 30, 1885.]

SECTION

218. Commissioners to locate and construct.

219. To make estimate of cost, ask bids and let contract.

SECTION

220. Cost not to exceed \$8,000.

221. Bonds to be issued.

222. Bonds, engraving and sale of.

223. Tax to pay bonds.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Commissioners to locate and build.

218. (Section 1.) The County Commissioners of Ada County are hereby authorized and empowered, and it is made their duty to locate and construct a bridge across the Payette river, at some convenient point to be designated by said Commissioners, at or near the town of Payette on the said Payette river.

To make estimate of cost and ask for bids and let contract.

219. (Sec. 2.) Said Commissioners shall, by the 15th day of March, A. D. 1885, proceed to select a location for and procure and adopt plans and specifications for the said proposed bridge, and to make a careful estimate of the probable cost of the same, and of all necessary piers, abutments, embankments and protections, which plans, specifications and estimates shall be filed with the Clerk of the Board of County Commissioners of said county, where they shall be subject

to public inspection; and shall immediately proceed to advertise for two weeks, in such newspapers as they may think proper, for sealed proposals for the erection of said bridge and its approaches and protections, according to the plans and specifications on file, in which notice they shall reserve the right to reject any and all bids, and at the expiration of said notice, said Commissioners shall meet as a Board and publicly open said bids, and shall award the contract to the lowest responsible bidder, if not in excess of the expenditure hereinafter authorized, unless said Board shall for good and sufficient reasons reject all the bids; in which case and as often as it shall for good reasons reject all the bids offered, they shall immediately re-advertise as before, and receive and open bids as above directed. But the said County Commissioners may, if in their judgment expedient, receive separate bids, and let separate contracts for the erection of the bridge for the building, embankments and approaches to and from the same. The County Commissioners shall require from all contractors, a bond in such sum as they shall deem necessary, and fix, with two sufficient sureties, conditions for the faithful performance of the contract, and all such contracts and bonds made under this Act shall be made to or in the name of Ada County. *Provided*, That said bridge with all its approaches and embankments, shall be complete on or before January 1, A. D. 1886.

220. (Sec. 3.) Any and all plans and specifications adopted and contracts let by said County Commissioners, under this Act, shall be on the basis of an expenditure, not to exceed eight thousand dollars of the bonds of the County of Ada, as hereinafter described, for the construction of such proposed bridge, with all necessary protections, approaches and embankments. The contracts so let may provide for partial payment, as the work progresses, but no part of the work embraced in any one contract shall be accepted until the entire contract is completed, and any partial payments made shall not exceed seventy-five per cent. of the actual value of the part performed, and the remainder shall be reserved as an additional security for the fulfillment of the contract.

Cost not to exceed \$8,000.

221. (Sec. 4.) To carry out the foregoing provisions of this Act, there shall be issued not to exceed eight thousand dollars of negotiable coupon bonds of said County of Ada, in denominations of one hundred, and five hundred dollars each, bearing interest at the rate of eight per cent. per annum, payable semi-annually, on the 1st day of January and the 1st day of July of each year, and one thousand dollars of said bonds shall mature and become due and payable on the first day of January, A. D. 1893, and one thousand dollars principal on the first day of January annually thereafter, until all are paid; the principal and interest thereof shall be payable at the office of the Treasurer of said Ada County in Boise City, and the length of time each of said bonds runs before maturity shall be expressed on the face thereof, and each shall have attached, when negotiated, semi-annual interest coupons covering the interest thereon at the rate aforesaid, from the 1st day of January or the 1st day of July next after its sale, until maturity, as expressed in the bond, and no more; said bonds shall be signed by the

Bonds to be issued.

Chairman of the Board of County Commissioners of said county and attested by the Clerk of the Board and its seal, and countersigned by the Treasurer of said Ada County. They shall express on their face that they are issued under the provisions of this Act, and the Treasurer shall number said bonds consecutively, and register the same in a book kept in his office for that purpose, which shall be a public record and which shall show the dates of the negotiations and maturity of each, and the number of coupons attached to each when negotiated; and said Treasurer shall cancel each coupon detached from each bond before its negotiation, and each coupon and each bond redeemed in the presence of said Board of County Commissioners at their next regular meeting, after such coupon is detached, or any coupon or bond is so redeemed; after which they shall be at the disposal of the board. *Provided*, That said County Commissioners shall not negotiate or sell said bonds for less than their par value.

Bonds, engraving and sale of.

222. (Sec. 5.) The Board of County Commissioners of said county shall, within a reasonable time after the passage of this Act, secure the proper engraving and printing of bonds, authorized by this Act, and shall pay the necessary expense thereof out of the County Treasury; and said board shall without delay negotiate and sell sufficient of said bonds as may be required to meet the contracts entered into by said County Commissioners for the construction and completion of said proposed bridge, and all necessary protections, approaches and embankments leading to and from the same, as described in section three (3) of this Act, together with any overseer's or expert's salary, or pay for the extra duties performed by said County Commissioners, and the proceeds of all bonds negotiated under the provisions of this Act shall be placed in the County Treasury, and devoted to the purposes in this Act directed; and any surplus of such proceeds, after the completion of said bridge herein provided, may be used by the County Commissioners toward the building of another bridge across the said Payette river at a point at or near "Falk's Store," the exact location of the same to be determined by the said County Commissioners of Ada County.

Tax to pay bonds.

223. (Sec. 6.) For the payment of the principal and interest of the bonds issued under this Act, the Board of County Commissioners of said county shall, at the time of their levy of other county taxes, include therein a levy of sufficient tax upon all the taxable property in said county to pay the interest and such parts of the principal of said bonds, if any, as will, according to the terms thereof, become due during the ensuing year, after making all due allowances for delinquencies and costs of collecting the same, and after deducting any money on hand subject to be so applied; and such tax shall be known as the Lower Payette Bridge Bond Tax, and shall be collected and paid into the County Treasury as other county taxes are collected and paid, and shall constitute a separate fund, to be known as the Lower Payette Bridge Bond Fund, and shall not be diverted or used for any purpose except as above provided; and for the payment of the principal and interest of said bonds, according to the terms thereof, all the taxable property of said county is hereby solemnly and irrevocably pledged.

TO PROVIDE FOR THE ERECTION OF A COUNTY COURT HOUSE
AND JAIL BUILDING.

AN ACT providing for the erection of a county court house
and jail building at Boise City, the county seat of Ada
County.

[Approved February 9, 1881.]

SECTION.

224. Place of erection of court house;
vaults for records

225. Bonds for erection of.

226. Engraving of bonds; sale; plans of
building, contract; additional
bonds.

SECTION

227. Bids for building, bond of contrac-
tors

228. Payment of bonds and interest.

229. County treasurer, fees.

230. Expenses.

Be it enacted by the Legislative Assembly of the Terri-
tory of Idaho, as follows:

224. (Section 1.) There shall be erected in Boise City, Ada
County, on the county block, number sixty-five, according
to the official plat of said city, on file in the recorder's office
of said county, a county court house and jail building, with
suitable rooms for the accommodation of the District Court
held in and for said county, and the several county officers
of said county, including suitable jury rooms and judges'
chambers, and an office for the District Attorney, and for
the Clerk of the District Court; and the foundation and
basement of said building, shall be built of good, durable
stone, and the walls of good brick, and the building shall
be constructed and finished of good materials, under the
direction and supervision of a competent architect or build-
er; and the basement of said building shall be not less than
nine feet in the clear between floor and ceiling, and
the floor shall not be more than three feet below the
surface of the ground; and so much of said basement as
may be necessary shall be finished and completed as a
county jail, with six iron box cells; and the first story above
the basement shall be not less than thirteen feet in the clear
between the floor and the ceiling, and shall be finished and
completed for the necessary county offices; and the offices
of the Recorder and Auditor, of the Clerk of the District
Court, and of the Probate Judge, shall be made fire-proof,
or shall be furnished with fire-proof vaults sufficient for the
protection and preservation of all the public records and
papers pertaining to their respective offices; and the office
of the County Treasurer shall be furnished with a fire and
burglar-proof vault, sufficient to secure the safety of the
public moneys belonging to said county; and the second
story of said building shall be not less than fifteen feet in
the clear between floor and ceiling, and shall be finished
and completed for a court room, and the necessary jury
and other rooms.

Place of erec-
tion.

Vaults for
records.

225. (Sec. 2.) For the erection, completion and furnish-
ing of said court house ready for use, as aforesaid, there
shall be issued by said County of Ada, fifty thousand dol-
lars of negotiable coupon bonds, in denominations of one
hundred, five hundred and one thousand dollars, bearing
interest at the rate of eight (8) per centum per annum, pay-
able semi-annually, on the first day of January, and
the first day of July in each year; and the principal of

Bonds for erec-
tion of.

three thousand dollars of said bonds shall become due and payable on the first day of January, A. D. 1887, and three thousand dollars annually thereafter until all are paid; and the length of time that each of said bonds runs before maturity shall be expressed on the face thereof, and each shall have attached, when negotiated, semi-annual interest coupons covering the interest thereon at the rate aforesaid, from the first day of January or the first day of July next after its sale until its maturity as expressed upon the bond, and no more. Said bonds shall be signed by the chairman of the Board of County Commissioners of said county and attested by the Clerk of the Board, and its seal, and countersigned by the Treasurer of Ada County; and said Treasurer shall number said bonds consecutively, and register the same in a book kept in his office for that purpose, which shall be a public record, and which shall show the dates of the negotiation and maturity of each, and the number of coupons attached to each when negotiated; and said Treasurer shall cancel each coupon detached from each bond before it is negotiated, and each coupon and bond redeemed, in the presence of the Board of County Commissioners at their next meeting after any such coupon is so detached, or any coupon or bond is so redeemed after which they shall be at the disposal of the Board. The principal and interest of all bonds issued under this Act shall be payable and shall be paid according to the terms thereof, at the office of the County Treasurer of Ada County, in Boise City, by the Treasurer.

Engraving of
bonds.

Sale of bonds.

Plans of build-
ing.

Contract

Addition bonds

226. (Sec. 3.) The Board of County Commissioners of said county shall immediately after the passage of this Act secure the proper engraving and printing of the bonds authorized by this Act, and shall pay the necessary expenses thereof out of the County Treasury, and said Board shall without delay negotiate and sell the same for cash, and the proceeds thereof shall be placed in the County Treasury, and devoted to the erection, completion and furnishing of said building; but not more than one-half of said bonds shall be sold until proper plans and complete specifications for the erection, completion and furnishing of said building are secured and adopted by the Board; such plans and specifications shall be made by a competent architect, which plans and specifications shall not cost to exceed one thousand dollars, and shall be obtained in such manner as the said Board of Commissioners shall deem best, as soon as practicable after the sale of one-half said bonds; but said plans and specifications shall be invited, and the contract or contracts let, shall be on the basis of the erection, completion and furnishing of said building in all respects, ready for use for the several purposes aforesaid, for the sum of fifty thousand dollars and not more; but if from any unforeseen cause it shall become necessary for the completion or furnishing of said building, in all respects ready for use as aforesaid, said Board of Commissioners may issue an additional amount of said bonds, not exceeding ten thousand dollars additional; and such additional bonds shall be in all respects as above described, and shall be registered and numbered consecutively after the bonds described in section two; and three thousand dollars thereof shall mature and be made payable

on the first day of January next, after the last of the bonds mentioned in section two mature, and a like amount annually thereafter until all are paid.

227. (Sec. 4.) The Board of County Commissioners is hereby vested with full power to make all necessary arrangements and contracts for the building of said court house and jail, in such manner as said Board may deem for the best interests of said county. Immediately after the adoption of plans and specifications for said building, the Board shall advertise for thirty days, in such newspapers as said Board shall select, for bids for the erection, completion and furnishing of said building, according to the plans and specifications adopted, and for bids for the furnishing of any particular kind or class of material, or the performance of any particular kind of work necessary in the erection of said building; and the Board shall, in said advertisement, reserve the right to reject any and all bids. The Board shall open all bids publicly at a day to be fixed by them in the advertisement, not more than sixty days from the date of the advertisement; and if the bids are not accepted by said Board of Commissioners for the performance of all the work required, they shall immediately re-advertise as before, for other bids for the performance of such work as they may not have accepted bids for, and shall continue so to advertise, until they shall have accepted bids for the entire work to be performed. Upon the acceptance of any bid, the Board shall immediately proceed to let a contract or contracts in accordance therewith, for the erection of said building; and may let one contract for the furnishing of all materials, and the erection, completion and furnishing of said buildings, complete and ready for use; or may let several and distinct contracts for furnishing the several classes and kinds of materials, and for the performance of the several classes and kinds of labor necessary, as they deem for the best interests of the county: And the Board shall require of all contractors a good and sufficient bond, with sufficient sureties to secure the faithful performance of their contracts, and shall reserve at least thirty per cent. of the amount of any and all contracts, and shall not pay the same to the contractor or contractors until such contract or contracts are completed in all respects according to agreement: And no member of said Board shall, during his term of office, be interested in any contract in relation to said building.

Bids for building.

Bond of contractors.

228. (Sec. 5.) For the payment of the principal and interest of the bonds issued under this Act, the Board of County Commissioners of said county shall, at the time of their levy of other county taxes, include therein a levy of sufficient tax upon all the taxable property in said county, to pay the interest and such part of the principal of said bonds, if any, as will, according to the terms thereof, become due during the ensuing year, after making all due allowances for delinquencies and the cost of collecting the same, and after deducting any moneys on hand subject to be so applied; and such tax shall be known as the Court House Bond Tax, and shall be collected and paid into the County Treasury as other county taxes are collected and paid, and shall constitute a separate fund to be known as the Court House Construction Fund; and shall not be di-

Payment of bonds and interest.

verted or used on any pretense, or for any purpose except as above provided: And for the payment of the principal and interest of said bonds according to the terms thereof, all the taxable property of said county is hereby solemnly and irrevocably pledged.

County
Treasurer.

229. (Sec. 6.) The County Treasurer shall have the custody of all the funds realized from the sale of said bonds, and shall pay the same out on the written order of said Board of County Commissioners, or a majority thereof, taking the receipt in every case of the person in whose favor said order is drawn, which receipt and order shall be his voucher for money so paid out; and said Board of County Commissioners shall exact of said County Treasurer a separate bond in such sum as they may deem proper, on behalf of said Ada County, with two or more sufficient sureties, conditioned for the faithful performance of the duties required of him by this Act, and the faithful accounting for the money deposited with him, and realized from the sale of bonds as herein provided for; and the Treasurer shall be allowed for all services required of him by this Act, one per cent. upon all moneys deposited with him and realized from the sale of said bonds.

Fees.

Expenses

230. (Sec. 7.) All expenses incurred by said Board of County Commissioners in carrying out the provisions and intentions of this Act, shall be paid out of the County Treasury, as other current expenses of Ada County are paid.

TRANSFER OF MONEYS FROM THE RABBIT EAR FUND.

AN ACT authorizing the transfer of moneys from the Rabbit Ear Fund of Ada County to the Current Expense Fund of said county.

[Approved January 23, 1883.]

SECTION

234. Surplus in Rabbit Ear Fund.

235. Surplus in Current Expense Fund.

SECTION

236. No moneys so transferred shall be used.

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

Surplus in the
Rabbit Ear
Fund

234. (Section 1.) The County Treasurer of Ada County may, at the end of any quarter, when there shall be a deficiency in the Current Expense Fund of said county, and a surplus in the "Rabbit Ear Fund" in excess of one hundred dollars transfer all of such surplus to the Current Expense Fund after all warrants previously drawn on such Rabbit Ear Fund shall have been paid.

Surplus in the
Current Ex-
pense Fund

235. (Sec. 2.) Whenever there shall accrue a deficiency in the Rabbit Ear Fund, the Treasurer shall transfer from the Current Expense Fund to the "Rabbit Ear Fund" a sufficient amount of money to supply such deficiency, if not in excess of the amount previously transferred to said Current Expense Fund and due the Rabbit Ear Fund.

No moneys s
transferred
shall be used.

236. (Sec. 3.) No portion of the moneys transferred to the Current Expense Fund shall be used in the redemption of the old outstanding warrants of Ada County.

TO PROVIDE FOR THE REDEMPTION OF OUTSTANDING WARRANTS.

AN ACT to provide for the redemption of the outstanding Warrants drawn upon the Treasurer of Ada County, and to provide for the payment of all the county Expenses of said Ada County.

[Approved January 11, 1877.]

SECTION

237. Redemption fund.

238. Current expense fund.

239. Commissioners to allow claims, lists of claims.

SECTION

240. Transfer of surplus moneys.

241. Warrants redeemed

242. School moneys.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

237. (Section 1.) The Treasurer of Ada County shall upon the payment into the Treasury of any moneys collected for county purposes set apart thirty-five (35) per cent. thereof, which shall be named the "Redemption Fund," and which shall be applied and disbursed only to, and for the payment and redemption of all warrants drawn upon the Treasurer of Ada County prior to January 15, A. D. 1869, or duplicates which have been issued in lieu thereof, in the order of their registry as provided for by law.

Redemption
fund

238. (Sec. 2.) The remaining sixty-five (65) per cent. of all said moneys collected and paid in for county purposes shall be named the "Current Expense Fund," and shall be disbursed and paid out in the manner hereinafter provided, and none other.

Current expense
fund.

239. (Sec. 3.) At the regular meeting of the Board of County Commissioners of Ada County in January, April, July and October of each year, the Board shall audit and allow all claims or accounts that may appear to them to be just, and order payment to be made out of any moneys belonging to the current expense fund of said county, and at the close of each session prior to the adjournment of the Board they shall cause two (2) lists to be made out of all the accounts so allowed, specifying in said lists the several names, amount and for what allowed, which lists shall be certified to as correct by the chairman of the Board, attested by their clerk under the county seal, one of which lists shall be immediately transmitted to the County Treasurer, the other to the auditor of Ada County; and a copy of the same shall be recorded by their clerk in a book to be provided for that purpose. The County Auditor shall, upon receiving the list furnished him by the Board, file the same in his office, and upon application of any person or persons to whom allowances have been made, draw his warrant upon the County Treasurer for the amount so certified to as allowed, and in favor of the person or persons designated in said list, payable out of any moneys belonging to the "Current Expense Fund." The Treasurer upon presentation of such warrant for payment, shall carefully compare the same with the list, and if correct shall pay it, but if any discrepancy exists he shall note the particulars of such discrepancy upon the back of the warrant, and it is hereby made the duty of the auditor, upon presentment of the warrant so rendered, to issue a

Commissioners
to allow claim ;
lists of claims.

duplicate corrected warrant, filing the original in his office, and marking across the face the words "duplicate issued," and sign his name thereto, and on the duplicate warrant shall write in red ink the word "duplicate."

Transfer of sur-
plus money.

240. (Sec. 4.) Immediately upon the receipt of the list of allowances made by the Board of County Commissioners at their regular session in January of each year, the Treasurer shall compute the amount thereof, and add thereto all amounts remaining unpaid and payable out of the current expense fund, and all moneys in excess thereof in said current expense fund, he shall thereupon transfer to the redemption fund and disburse in accordance with the provisions of section 1 of this Act.

Warrants re-
deemed.

241. (Sec. 5.) The County Treasurer shall upon the payment of any warrant or order, write upon the face thereof the word "redeemed," the date of redemption, and shall sign his name thereto.

School moneys.

242. (Sec. 6.) Nothing in this Act shall be so construed as to interfere with or relate to moneys levied or collected for school purposes.

TRANSFER OF MONEYS FROM THE REDEMPTION FUND.

AN ACT authorizing the transfer of moneys from the Redemption Fund of Ada County to the Current Expense Fund of said county.

[Approved January 12, 1885.]

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

243. (Section 1.) The County Treasurer of Ada County shall, twenty days after giving notice as provided by law, transfer all moneys from the Redemption Fund of said county to the Current Expense Fund of said Ada County; thereafter general fund warrants shall be paid from Current Expense Fund of said county. *Provided*, that at no time shall the amount so paid exceed the amount so transferred.

TO PROVIDE FOR THE PAYMENT OF MONEYS IN ADA COUNTY, COLLECTED FOR COUNTY PURPOSES.

AN ACT to provide for the payment of moneys in Ada County, collected for county purposes.

[Approved February 5, 1885.]

SECTION

244. All moneys to be placed in Current Expense Fund.
245. School funds and special funds not included.

SECTION

246. Warrants not paid, how endorsed.
247. Conflicting acts repealed.

All moneys to be
placed in current
expense fund

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

244. (Section 1.) The Treasurer of Ada County shall, upon the payment of any money into the Treasury of said county, collected for county purposes, place the same into a fund to be named the Current Expense Fund, and shall disburse and pay out the same as by law provided.

School and spe-
cial funds not in-
cluded.

245. (Sec. 2.) Nothing in this Act shall be so construed as to interfere with or relate to moneys levied or collected for school purposes or for special funds as by law provided.

246. (Sec. 3.) When an order or warrant shall be presented to the County Treasurer for payment, and the same is not paid for want of funds, the Treasurer shall endorse thereon "Not paid for want of funds," annexing the date of presentation and signing his name thereto, and from that time until redeemed, said order or warrant shall bear ten per cent. interest per annum.

Warrants not paid, how endorsed.

247. (Sec. 4.) All Acts and parts of Acts, in conflict with this Act, so far as relates to Ada County are hereby repealed.

Conflicting acts repealed.

TO PROVIDE FOR THE CARE OF THE POOR IN ADA COUNTY.
AN ACT to provide for the care of the poor in Ada County.
[Approved February 8, 1883.]

SECTION

248. Poor-farm, poor-house; control of.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

248. (Section 1.) The County Commissioners of Ada County are hereby authorized and required to purchase a farm in Ada County not to exceed one hundred and sixty acres, nor to be less than eighty acres in area; said purchase to be made as soon as practicable after the passage of this Act; and as soon as practicable after such purchase, suitable buildings for the maintenance and keeping of the poor of said county shall be erected thereon, if such buildings are not already on the land at the time of the purchase. The conveyance of said farm shall be made to Ada County, and the entire original cost of farm and buildings shall not exceed six thousand dollars, which shall be paid for by said Ada County in county warrants drawn on the Current Expense Fund of said county, said warrants to be paid by the Treasurer of Ada County in their regular order of presentation and registration. The said farm when so purchased shall be known as the Poor-farm of Ada County and the house thereon as the Poor-house, and the same shall be under the management and control of the County Commissioners, subject to the limitations contained in this Act. They may also make such rules and regulations as they may deem proper, not inconsistent with law, in relation to the support and maintenance of the poor of said county at said Poor-farm.

Purchase a farm.

Size.

Buildings to be erected

Conveyance.

Price.

Warrants.

Name.

Under management and control of

Rules and regulations.

TO ANNEX A PORTION OF ALTURAS AND BOISE COUNTIES TO
SCHOOL DISTRICT No. 34 OF ADA COUNTY.

AN ACT to annex a portion of Alturas and Boise Counties to School District No. 34 of Ada County.
[Approved February 3, 1885.]

SECTION

251. Boundaries.

252. Distribution of money.

SECTION

253. Act only for school purposes.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

251. (Section 1.) That all that portion of Alturas and Boise Counties lying within the following boundaries, to wit: Commencing at the mouth of Moor's creek and

Boundaries.

running thence south two miles along the boundary line between Ada and Alturas Counties, thence east two miles, thence north five miles, thence west to the boundary line between Boise and Ada Counties, thence southeast along said boundary line to the place of beginning, be and the same is hereby annexed to School District No 34 for public school purposes only. That said above described Territory, together with School District No. 34, shall constitute and form one district known as School District No. 34 of Ada County.

Distribution of money.

252. (Sec. 2.) That in distributing the public school money, said School District shall be entitled to receive from the public school moneys of Ada County, her full share of public money as any other school district, the *per capita* portion of the public money, however, to be distributed only in the number of children in Ada County in said School District. Said School District shall receive from the public school moneys of Boise and Alturas Counties the full amount of money that the children in each of said counties in said School District are entitled to draw *per capita*. And one-fourth of the amount of money from the school fund of each county that any district in said counties is entitled to draw from the portion of the school fund distributed equally among all the districts.

Act only for school purposes.

253. (Sec. 3.) That for public school purposes only said district shall be under the jurisdiction of Ada County and the money coming to said district from Boise and Alturas Counties shall be subject to the order of the County School Superintendent of Ada County for the use of said district.

TO CREATE THE INDEPENDENT SCHOOL DISTRICT OF EMMETTSVILLE, IN ADA COUNTY.

AN ACT to create the independent school district of Emmettsville, in Ada County.

[Approved January 31, 1885.]

Local Laws
Idaho
Territory
of 1887
Secs. 254 to
278
New Sec. 35
Added.
S.L. 45 (1st E.S.)
c. 24 Sec. 1
p. 27

SECTION	SECTION
254. Boundary.	266. Boise City act adopted.
255. Board of trustees.	267. Sale of bonds.
256. Trustees, qualification of and oath of	268. Building erected by committee.
257. Trustees named.	269. Where building erected.
258. Officers elected.	270. When to be completed.
259. Meetings of board.	271. Duties of board.
260. Bonds to issue for building school house.	272. Powers of board.
261. School money from county.	273. Teachers must have certificates.
Tax to pay bonds.	274. Election of trustees; oath of voters.
Property pledged for payment.	275. Polls, how and when opened.
Notice of tax given.	276. Voting by ballot.
Delinquent taxes.	277. Clerk's report.
	278. Treasurer's bond.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

254. (Section 1.) All that part of Ada County bounded and described as follows, to wit:

Beginning at the northwest corner of Lot 5 in the southeast quarter of Section 11, Township 6, North, Range 2, West, Boise Meridian, being the point where the western line of said section intersects the southerly bank of Payette river, thence running due south to the south line of said township, thence on a line due east to the boundary line between Ada and Boise Counties, thence in a northwesterly

Boundary.

direction on said boundary line until the same intersects the Payette river, thence in a westerly direction following the Payette river with its meanderings to and through the north channel of the same to the point of beginning, is hereby constituted an independent school district and created a body corporate by the name of the Independent School District of Emmettsville, and in such name may contract, sue and be sued, and take, hold and convey property, real and personal, and shall be exempted from the supervision of the County Superintendent of said county.

255. (Sec. 2.) There shall be in said district a Board of three Trustees, and in case of a vacancy in such Board the remaining two may by appointment fill such vacancy. In case of more than one vacancy in such Board, the County Superintendent may appoint one or two persons, as may be required, to constitute a quorum, who shall then proceed to appoint the third. Any person appointed as aforesaid to fill any such vacancy, shall hold under such appointment until the expiration of the term to which he was appointed. The regular term of office of such trustees shall be three years, and they shall be elected at the same time and in the same manner as trustees of other school districts are elected in said county.

Board of trustees

256. (Sec. 3.) Every trustee shall be a resident freeholder or householder in said district, and before entering upon his duties shall take and subscribe an oath faithfully to perform the duties of his trust according to law; and no trustee shall be pecuniarily interested in any contract made by the Board of which he is a member, and any contract made in violation of this section shall be null and void.

Trustees, qualification and oath of.

257. (Sec. 4.) Douglas Knox, David Murray and J. M. Martin, the present trustees of School District No. 9, in said county, are hereby appointed a Board of Trustees of said Independent District, to hold their terms of office for the respective periods for which they have already been elected in said District No. 9. Said trustees shall, at their first meeting after the passage of this Act, elect from their number a Chairman, Clerk and Treasurer, each of whom shall serve until the first meeting after the next school election in said district, without compensation.

Trustees named.

258. (Sec. 5.) At the first regular meeting of the Board of Trustees after each annual school election, they shall proceed to elect from their number a Chairman, Clerk and Treasurer, who shall hold such offices respectively for the period of one year, or until their successors are elected and qualified. *Provided*, that the trustees shall receive no compensation for services as such Chairman, Clerk or Treasurer except as provided in Section twenty-four of this Act.

Officers elected.

259. (Sec. 6.) Regular meetings of the Board of Trustees shall be held on the second Monday of each month, and special meetings may be called by the Chairman, or other two, by personal notice of the time and place of such meeting to each member of the Board, or by leaving such notice at his place of residence. Two members shall constitute a quorum, and in the absence of the Chairman, the Clerk shall preside. The Board shall make such rules and regulations as it may deem expedient and necessary for its gov-

Meetings of board

ernment, and the government of its appointees and pupils, and no meeting of the Board, not provided for by its rules or by-laws, shall be legal unless all the members thereof have been notified as provided in this section.

Bonds to issue
for building
school house.

260. (Sec. 7.) For the erection of a proper school building in said district there shall be issued by the said trustees, four thousand dollars of negotiable bonds of said district, in sums of one hundred, and five hundred dollars each, bearing interest not exceeding the rate of eight per centum per annum, payable semi-annually, on the first day of January and July of each year, and eight hundred dollars of said bonds shall mature on the first day of January, 1890, and eight hundred dollars thereof annually thereafter until all are paid. The principal and interest thereof shall be payable at the First National Bank of Idaho, at Boise City, or in case said bank shall not be in existence, at the office of the Treasurer of said district. Said bonds shall be issued in the corporate name of said district, sealed with its corporate seal, signed by the Chairman of the Board of Trustees and countersigned by the Clerk, and bear such devices as the trustees may direct. They shall, previous to being negotiable, be numbered consecutively and registered by the Clerk of the Board in a book kept by him for that purpose, which shall be a public record, noting the amount and time of payment. All of said bonds shall state on their face that they are issued under the provisions of this Act. And, if, during the construction of the school building hereinafter provided for, the Board of Trustees shall find it necessary to the completion and furnishing of the same, and for the providing for all necessary fixtures and apparatus, they may issue an additional amount of said bonds, not exceeding one thousand dollars additional, which shall be in all respects similar to, and shall be registered and numbered consecutively after the first issue; and said last mentioned issue thereof shall mature on the first day of January, next after the last of the first issue shall have matured.

School money
from county.

261. (Sec. 8.) Said independent school district shall receive from the public school moneys of Ada county, that may be distributed under the general school law of the Territory, in addition to the *per capita* share of said district, in proportion to the number of children in said district between five and twenty-one years of age, as shown by the last report of the School Census Marshal of said district, one equal share with the other districts of said county, for every fifty children or fraction thereof above twenty-five, in said district, between the ages aforesaid, as shown by such report, of said school moneys, to be divided among the several organized districts of said county, that have complied with the provisions of the general school law, and said moneys, at each apportionment after the passage of this Act, shall be paid by the Treasurer of Ada County, to the Treasurer of said district, taking his receipt therefor.

Tax to pay
bonds.

262. (Sec. 9.) When said district shall have issued bonds under the provisions of this Act, it shall be the duty of the Board of Trustees to levy and assess an annual tax on all the taxable property of said district, found upon the last

completed and equalized assessment roll of Ada County, in an amount not to exceed one per cent. of the assessed valuation of such property, to pay the interest coupons upon all the outstanding bonds, when and as fast as said coupons shall become due according to their tenor and effect; and the Treasurer of said district shall collect said taxes, in cash only, as hereinafter provided, and shall pay the same into the Treasury of said district, to be by the Treasurer applied only in the payment of the interest coupons of said bonds as they mature; and any surplus remaining in the hands of said Treasurer after paying the said interest coupons of said bonds to be applied to the support of the school or schools in said school district under the direction of the Board of Trustees. At the September meeting in 1889, and annually thereafter until the full payment of said bonds, the said Board of Trustees shall provide by taxation for, and shall collect eight hundred dollars of the principal of said bonds, over and above the cost and expense of collection, which amount shall be assessed and collected the same as the tax for the payment of the interest coupons, and when collected shall be turned over to the Treasurer of said school district; said money to be used only in the payment of said bonds; and the said payment shall be made by the Treasurer of the district at the First National Bank of Idaho at Boise City, or, in case said bank shall not be in existence, at the office of said Treasurer in said district, as before provided, whenever any interest on, or any part of the principal of, said bonds shall be due and payable according to the terms thereof. And the Treasurer shall cancel the bonds redeemed in the presence of the Board of Trustees, and a minute of such cancellation shall be made by the Clerk of the Board in the register of the bonds after which they shall be at the disposal of the Board, and for the purpose of making the assessment and levy mentioned in this section, said Board of Trustees shall have access to the assessment rolls of the County of Ada, and the Clerk of said Board and the Treasurer of said district may make transcripts of any part thereof, and any such transcript, certified by either of said officers shall be *prima facie* and competent evidence of what it purports to contain.

263. (Sec. 10.) No change in the boundary lines of said district shall release the taxable real estate of the district from assessment and levy of taxes to pay the interest and principal of said bonds, and the taxable property of said district is hereby solemnly pledged for the payment of the same; and if there shall be any change of the lines of said district, so as to leave any portion of the taxable real estate of the district out of the district, which was subject to taxation in the district at the time of the issue of said bonds, the assessment and levy for principal and interest of such bonds shall be made on such property as if it were still within the district; and if there shall be any change of the lines of said district so as to annex any taxable real estate, after the issue of said bonds, the real estate so annexed shall thereafter be subject to the assessment and levy for principal and interest of said bonds until they are fully paid.

Property
pledged for
payment.

Notice of tax
given.

264. (Sec. 11.) Upon the levy of any tax authorized by this Act, the Treasurer of said district shall post, or cause to be posted in three conspicuous places in said district, a notice stating the rate, or the amount upon the dollar, of the levy, and that such tax is payable and will, at the expiration of thirty days from the date and posting of said notice, be due at the office of the Treasurer of said district, upon all taxable property of said district, found upon the assessment roll of Ada County for the year (inserting the year of the assessment roll upon which the levy was made), and unless paid within thirty days it will become delinquent and will be collected according to law.

Delinquent
taxes.

265. (Sec. 12.) At the expiration of said thirty days, the Treasurer of said district shall enter upon his official tax book a statement that he has made a levy upon all the property upon which said tax was levied by the Board of Trustees as aforesaid, the taxes upon which have not been paid, and shall immediately ascertain the total amount of taxes then delinquent, and file in the office of the Clerk of said Board a statement of said amount verified by his oath, and shall proceed to make out and file with the Clerk of the Board a list of all persons and property then owing any taxes, verified by his oath; which list shall be completed within five days from the expiration of said thirty days and shall be known as the delinquent list of said district.

Boise City act
adopted.

266. (Sec. 13.) The provisions of so much of the Act "to create the Independent School District of Boise City and provide for establishing and maintaining a graded public school therein," approved Feb. 4, 1881, as is included between sections 13 and 23, both inclusive, so far as the same are not inconsistent with this Act, are hereby made applicable to this Act. *Provided*, that the publication therein referred to, so far as relates to proceedings under this Act, shall be made by posting said notice in three conspicuous places in the district; and the place of sale shall be in front of the school house in said district.

Sale of bonds.

267. (Sec. 14.) The Board of Trustees, or the Treasurer of the district under their direction, shall negotiate and sell said bonds for cash, at not less than their par value, and the proceeds thereof shall be placed in the Treasury of the district.

Building erected
by committee.

268. (Sec. 15.) The erection, completion, equipment and furnishing of the school building for said district shall be under the supervision of a building committee; said committee shall consist of the three trustees already named, together with Levi Myers and James Wardwell, both of Emmettville. The Chairman of the Board of Trustees shall be Chairman of such committee. Said committee is authorized to make in the name of the district all necessary contracts and arrangements for the erection, completion, equipment and furnishing of said school building. Said committee shall cease as soon as the building is ready for occupancy as a public school.

Where building
erected.

269. (Sec. 16.) Said school building shall be erected on some portion of the Southwest quarter of the Northeast quarter, of Section 7, Township 6, North, Range 1, West, in the town site of Emmettville as shown on the plat of said

town site filed in the Recorder's office of Ada County, provided that the site for said building shall be secured without expense to the district; and the Board of Trustees is authorized to accept a conveyance of a suitable site for said building within the above described limits, and to hold the same in trust for and on behalf of said district.

270. (Sec. 17.) Said building shall be completed and ready for occupation by the schools of the district by the first Monday of September, A. D. 1885, or as soon thereafter as practicable. All the property, rights and powers of School District Number 9, of Ada County, are hereby conveyed to the district hereby created, and said Independent District shall assume all the just indebtedness of said district Number 9.

When to be completed.

271. (Sec. 18.) The Board of Trustees shall exercise all the duties with reference to the school or schools of said district as are required of school trustees under the General School Law of the Territory, and every child resident of said district and between the ages of five and twenty-one years shall of right be entitled to the advantages of said school without charge therefor.

Duties of board of trustees.

272. (Sec. 19.) The Board of Trustees of said district shall have power, and it shall be their duty:

Powers of board of trustees

First. To make such by-laws for their own government, and for the government of the schools of the district, as they may deem expedient, not inconsistent with the provisions of this Act.

Second. To employ or discharge teachers, mechanics, and laborers, and to fix, allow, and order paid, their salaries and compensation, and to determine the rates of tuition for non-resident pupils.

Third. To fix the course of study, the exercises and kind of text books to be used. *Provided*, that but one kind of text books of the same grade or branch of study shall be used in the same department of the school, and that after the adoption of any book it shall not be changed in less than three years, unless the price thereof shall be unwarrantably advanced, or the mechanical qualities lowered, or the supply stopped.

Fourth. To provide for school furniture, fixtures, and apparatus and for everything needed in the school house or for the use of the Board.

Fifth. To rent, repair and insure school houses and property, and preserve the same for the benefit of the schools of the district.

Sixth. To build or remove school houses and buildings and to purchase or sell school lots.

Seventh. To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under five years of age.

Eighth. To determine the number and qualifications of teachers that shall be employed, and the length of time that the school shall be kept; to fix the time for the opening or closing of school, and for the dismissal of primary pupils before the regular time for closing schools.

Ninth. To provide books for the use of indigent children, on the written statement of the teacher that the parents of such children are not able to purchase them.

Tenth. To require pupils to be furnished with proper and suitable books as a condition of membership in the schools.

Eleventh. To exclude from the schools and school libraries of said district, all books, tracts, papers or catechisms of a sectarian nature.

Twelfth. To require teachers to conform to the law and the regulations of the Board.

Thirteenth. To protect the morals and health of the pupils while at school.

Teachers must
have license.

273. (Sec. 20.) Said trustees shall not employ any teacher who has not received either a County or Territorial certificate or license to teach.

Election of
trustees.

274. (Sec. 21.) The election of trustees shall be conducted as other school elections for trustees as provided by the General School Law, so far as the same is not inconsistent with the provisions of this Act. Every elector for school trustees shall have been a resident of the district three months prior to any such election, and be legally qualified to vote for county officers in Ada County. Any person offering to vote may be challenged by any qualified elector of the district, and the judge of election shall thereupon administer to the person challenged an oath, as follows:

Oath of voters.

"You do solemnly swear (or affirm) that you are a citizen of the United States; that you have resided in this Territory for four months last past, and in this district for three months last past; that you are twenty-one years of age, and that you have not voted at this election." If he shall refuse to take such oath or affirmation such vote shall be rejected. Any person guilty of voting illegally shall be punished as is or may be provided in the General Election Law of this Territory for the punishment of illegal voting at a general election.

Polls, how and
when opened.

275. (Sec. 22.) At said election the polls shall be opened by one of the Board of Trustees, or by any voter if no trustee is present, at 1 o'clock, and close at 5 o'clock P. M. of the same day. One clerk and one judge shall constitute a Board of Election, and shall be qualified by either trustee to perform their duties at such election.

Voting by ballot.

276. (Sec. 23.) Voting at said elections shall be by ballot, and immediately after the closing of the polls the Board of Election shall proceed to count the votes and ascertain the result, and the person qualified to be elected, who shall receive the largest number of votes, shall be declared elected, and the judges of election shall certify the result and deliver such certificate with the poll lists and tally sheets to the Clerk of the Board of Trustees; and if upon counting the votes there shall be a tie, and two qualified persons shall have the highest number of votes, the Board of Trustees shall designate which one shall serve.

Clerk's report.

277. (Sec. 24.) The Clerk of the Board of Trustees shall annually, on the 1st day of September, make a report to the Territorial Superintendent of such matters as are required to be reported by the County Superintendent to the Territorial Superintendent.

Treasurer's
bond.

278. (Sec. 25.) The Treasurer of said district shall execute to the district an official bond, with two sufficient

sureties, in such sum as shall be required by the Board of Trustees, conditioned faithfully to perform the duties of his trust, and faithfully to account for and pay over, as may be required by the Board of Trustees, all moneys that may come to his hands as such officer, and shall be entitled to a commission of five per cent. of all moneys collected by him as tax collector of the district.

Emmettsville
School Dist.
Charter
New Sec. 35
Added.
S L '45 (1st E.S.)
c. 24 Sec. 1
p 27

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property of Idaho Terri-
tory and must be delivered
to Successor in Office.

PART IV.

SPECIAL AND LOCAL ACTS APPLICABLE TO ALTURAS COUNTY.

AN ACT defining the boundaries of Alturas.

[Approved February 4, 1864.]

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Boundaries.

279. (Section 1.) All that portion of Territory lying within the following boundaries, to wit: Beginning at the center of the channel of Snake river opposite the mouth of Bruneau river, thence up the center of the channel of Snake river, to a point on Snake river due south of the center of Mud Lake, otherwise known as the "Sink of Camas Creek" and running from said point on Snake river due north through said Lake to the south line of Lemhi County, thence due west through the summit of the Butte on the easterly side of Birch creek, at the place known as the "upper" or "first crossing" of Birch creek, about two miles below the source thereof, to the east line of Custer County, thence south-easterly along the easterly line of Custer County, thence in a westerly and north-westerly course by an irregular line along the southerly line of Custer County to the easterly line of Boise County, thence in a south-westerly direction along the south-easterly line of Boise County to the middle of the channel of Boise river, opposite the mouth of Moor's creek, and thence to the place of beginning. [As amended, Acts January 8, 1877; February 9, 1881, and January 8, 1881.]

TO INCORPORATE THE CITY OF BELLEVUE.

AN ACT to incorporate the City of Bellevue.

[Approved February 8, 1883.]

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows: —

CHAPTER I.

SECTION
280. Limits.

SECTION
281. Incorporation.

280. (Section 1.) That the corporate limits of the City of Bellevue shall be as follows, to wit:

Boundaries.

Commencing at a point south $18^{\circ} 29'$ east one half-mile distant from post No. 6 of the town site of Bellevue, Alturas County, Territory of Idaho, as established by the survey of Morris McFarland, U. S. Deputy Surveyor, March 6th, 1882. Thence south $71^{\circ} 31'$ west 1,000 feet; thence north $18^{\circ} 29'$ west two miles; thence north $71^{\circ} 31'$ east one mile; thence $18^{\circ} 29'$ east two miles; thence south $71^{\circ} 31'$ west 4,280 feet to the place of beginning.

281. (Sec. 2.) The inhabitants within the City of Bellevue are hereby constituted and declared to be a municipal corporation by the name and style of the "City of Bellevue," and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded in all courts of justice, contract and be contracted with, and have and use a common seal, and alter the same at the pleasure of the city authorities, and may purchase, lease, receive, hold and enjoy real and personal property, and control and dispose of the same for the common benefit.

Incorporation.

CHAPTER II.

GOVERNMENT.

SECTION

282. Council
283. Aldermen.
284. Original wards.
285. Apportionment of Aldermen,
286. Mayor.

SECTION

287. { Officers of the corporation
Who may hold office Justices of
the Peace.
Proceedings before, how regulated;
Costs.
Justices' costs, Justices' reports.

282. (Section 3.) The power and authority hereby given to the City of Bellevue by this Act shall be vested in a Mayor and Common Council, together with such other officers as are in this Act mentioned, or may be created under its authority.

Council.

283. (Sec. 4.) The Common Council shall consist of six Aldermen. They shall be elected for two years, and shall hold their offices until their successors are elected and qualified; *provided*, that at the first annual election three of the six members shall hold their offices for one year only, and if such city shall be divided into two or more wards, the Council shall make an equitable apportionment of the members holding for different terms, among the several wards, so that at each election there may be at least one member from each ward elected.

Aldermen.

284. (Sec. 5.) For the purpose of the first election, and until further ordered by the Council, said city shall be divided into two wards, as follows: All that portion lying south of Elm street, extended easterly and westerly to the boundaries of said city, shall be known as the "First Ward," and all of that portion lying north of the south line of Elm street, likewise extended easterly and westerly to the boundaries of said city, shall constitute and be known as the "Second Ward."

Original wards.

285. (Sec. 6.) At the first election there shall be elected three members from each ward for the full term of two years; *provided*, that at the first regular meeting after such election the Council shall make an equitable apportionment of the members holding for different periods among the several wards, and when such apportionment is made, the members to hold for two years shall be chosen by lot, in the presence of the Mayor and Council, in such alternate manner that at least one member from each ward may be secured for such period of two years.

Apportionment
of aldermen.

286. (Sec. 7.) The Mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified.

Mayor

Officers of the
corporation.

Officers elected
by the votes of
the corporation.

Justices of the
peace.

Proceedings
before; how
regulated.

287. (Sec. 8.) The Common Council shall annually, at the first regular meeting thereof after the qualification of the members thereof elected at each annual election, elect by ballot a Clerk, Health Officer and City Surveyor, and shall have power, whenever in their judgment required, to appoint also by ballot, a Marshal, City Attorney, City Treasurer, City Assessor and *ex officio* Tax Collector, to serve for the ensuing year, until the next municipal election or until their successors are elected and qualified; and any qualified elector of said city may be thus elected to one or more of said offices; and the Council may at any time, at the will of the said Council, or for malfeasance, inattention or incompetency, remove any of said officers.

The Justices of the Peace elected for the precinct in which the said city is located, and residing within the city, shall have jurisdiction over all crimes defined by any ordinance of said city, and of all other actions brought to enforce or recover any penalty or forfeit declared or given by any such ordinance, when the amount does not exceed three hundred dollars and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith.

All civil or criminal proceedings before said Justices of the Peace under and by authority of this Act, shall be governed and regulated by the general laws of this Territory relating to Justices of the Peace and to their practice and jurisdiction, and shall be subject to review in the District Court of the proper district by *certiorari* or appeal the same as other cases. Said Justices of the Peace shall be entitled to such fees in the trial of cases arising out of violations of ordinances passed by the Common Council as said Common Council may by ordinance determine. Upon conviction for a violation of any city ordinance, costs shall be taxed against the defendant in addition to the fine or penalty imposed, and such costs shall constitute a part of such fine or penalty, and their payment shall be enforced by imprisonment or otherwise, in the same manner as the payment of fines; *Provided*, that in no case shall the fees of such Justice of the Peace become a charge against the said city or be paid out of the City Treasury. It shall be the duty of such Justice to report to the Common Council at their regular meeting in each month, which report shall show in detail the number of cases tried, the names of the defendants, the amount of fines imposed and costs, the sums of money received in payment of such fines and costs, the amount paid out for fees in the case, and to whom paid, and the balance remaining on hand, which balance he shall pay over at the close of each month to the Treasurer, taking his receipt therefor, which receipt shall accompany his report to the Common Council, and his docket of such cases shall always be open to examination and inspection.

[As amended, Act January 30, 1885.]

CHAPTER III.

POWERS OF THE CORPORATION.

SECTION	SECTION
288. Tax for general purposes.	294. Streets and sidewalks, sewers. Road poll tax.
289. Fire department, tax for.	296. Sidewalks.
290. { Condemn lands for public use; Erect buildings; Control streets and public grounds. Laying out streets. Taxing private property; Party dissatisfied may commence action, when; Waived rights; Jurisdiction of Common Council, Petition, what to contain; " when to be heard; " notice of hearing; Party deemed to have notice, when, Petition, hearing on, Assessments to be a lien on property; Enforcement of lien. Street work; Intention to improve, objection thereto; Notice of; Lien, enforcement to pay, redemption of.	297. Health, drainage. 298. Railways. 299. Water works. 300. Water works, special tax. 301. Restrain animals from running at large 302. Licenses, to be granted. 304. Police, authority of, fees of. 305. Opium dens, etc 306. { Nuisances; Houses of ill-fame; Gambling; Penal acts, what are. 307. Cemeteries and burial of the dead. 308. Markets. { Debt, city not to incur; Exceptions. Borrow money to create Fire Department; Levy tax to pay interest; Create Sinking Fund. 309. { 310. Ordinances; Penal laws. 311. Pay of officers. 312. General laws of the Territory not to effect.
291. {	
292. {	
293. Lighting streets.	

288. (Sec. 9.) Said city has the power to assess, levy and collect taxes for general municipal purposes, not to exceed one and one-half per centum per annum upon all property, both real and personal, within the city limits, which is by law taxable for Territorial and county purposes, and to levy and collect special taxes as hereinafter provided; but all taxes for general and special municipal purposes, exclusive of assessments, as hereinafter provided, shall not exceed two per centum per annum on property assessed.

[As amended, Act January 30, 1885.]

289. (Sec. 10.) To make regulations for the prevention of accidents by fire; to organize and establish fire departments and provide for the government of the same; to provide fire engines and other apparatus and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed one-fifth of one per centum annually upon the taxable property within the city, and on petition of the owners of one-half the ground included within any prescribed limits within the city, to prohibit the erection within such limits of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar, or iron, or stone and mortar, or other fire-proof material; and to provide for the removal of any building or any addition erected contrary to law.

290. (Sec. 11.) To purchase, or condemn and enter upon and take any lands within the Territorial limits of the city, for public squares, streets, alleys, parks, commons, cemeteries, hospital grounds, for work houses, houses of correction, or any other legitimate municipal purpose, and to enclose, ornament and improve the same, and to erect necessary buildings thereon. To control all of such buildings, and all lands purchased or condemned under the provisions of this section, and of all streets, highways, squares, and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been or may be hereafter dedicated to public use by any

Taxes for general
purpo Charter City
of Bellevue
S L '1887
p 79 sec. 9
amended
L '39 c. 138
sec 1 p 217
(Amending
clause
incomplete)

Fire department

Tax for.

Condemn lands
for public use.

Erect buildings.

Control streets
and public
grounds.

person or persons, and in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and the conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city, or the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.

291. (Sec. 12.) The Common Council is authorized and empowered to provide by ordinance a system for establishing, laying out, extending and widening streets and other public highways and places within the city; and for taking private property therefor, and for taking private property for the purpose of rights of way for drains, sewers and aqueducts, and for the purpose of widening and straightening the channels of streams; but no private property or right of way over or through the same shall be taken without the consent of the owner thereof, until a just compensation for the same shall be ascertained and paid to such owner, or into court for its use. If the owner of any parcel of land proposed to be taken for any such improvement shall be dissatisfied with the amount of compensation awarded by said Common Council for the taking of said parcel, he may, within twenty days after the date of such award, commence an action against said city in any court of competent jurisdiction within the county, to recover such amount of compensation as he may consider himself entitled to. The amount of compensation ascertained and awarded in such action shall be deemed and taken to be the amount of compensation to which such person will be entitled if such improvement be made. If such person fail to recover in such action a greater amount of compensation than was so awarded by said Common Council, he shall not recover costs, but shall pay costs to such city. Any owner of, or person interested in any such parcel of land, who shall fail to commence such action within the time herein limited, shall be deemed to have waived his right in that behalf, and to have assented to and ratified the award of said Common Council. The Common Council shall not acquire jurisdiction to exercise any of the powers hereinbefore in this section enumerated, until a petition in writing therefor is first presented to said Common Council, signed by at least twenty inhabitants of said city, taxable therein for municipal purposes. Such petition must describe generally the street, highway, or public place proposed to be laid out or established, or the proposed alteration by widening or extending the same, or by widening or straightening the channels of streams, or if a right of way is sought for drains, sewers, or aqueducts, such petition shall describe the proposed route for the same. Such petition shall be heard at a regular meeting of the Common Council, notice of such hearing being given by the Clerk by posting in three public places in such city, or publication in a newspaper published in such city, in either case for a period of three weeks before such hearing. Such notice shall be deemed to give such Common Council full jurisdiction over the subject matter, and over the per-

Laying out
streets.

Taking private
property.

Party dissatis-
fied may com-
mence action,
when.

Waiver of rights.

Jurisdiction of
Common Coun-
cil.

Petition, what to
contain.

Petition, when to
be heard.

Notice of hear-
ing, how given.

son of every owner of or person interested in any parcel of land to be taken or assessed for any such improvement; and every person interested from and after the expiration of such publication shall be deemed to have notice of all subsequent proceedings; *Provided*, that nothing herein contained shall be construed to prevent such Common Council from giving such other or further notice as they may deem proper. At the time fixed in such notice, or at such time to which such hearing may be postponed, the Common Council shall proceed to hear and determine the prayer of such petition, pursuant to such rules and regulations as may be prescribed by such ordinance. Such system, so established by ordinance, may provide for the payment of such compensation, either by levy and collection of special assessments therefor, in proportion to benefits, upon the property to be affected or benefited by any such improvement, or by payment made out of the General Street Fund of such city, or by both. Any such special assessment made and levied to provide means for the payment of any such compensation, and the cost of ascertaining the same, together with any percentage imposed for delinquency and the costs of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the order for such assessment; which lien may be enforced by a summary sale of such property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by any action in any court of competent jurisdiction, to foreclose such lien; *Provided*, that any property sold to satisfy such lien, shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for taxes.

292. (Sec. 13.) The Common Council are authorized and empowered to provide by ordinance, a system for doing any and all work in or upon the streets, highways and public places of such city, and for making therein street improvements and repairs, and for doing any and all work authorized by this Act, and for the payment of the cost and expenses thereof, either by the levy and collection of special assessments thereof, in proportion to benefits upon the property to be affected or benefited thereby, or by payment made out of the General Street Fund of such city, or by both; *Provided*, that in all cases where the expense of any such improvement is to be defrayed in whole or in part by special assessment, the Common Council shall first adopt a resolution, which shall be entered upon their journal, declaring their intention to make such improvement, and fixing a time at which objections to the making of such improvements will be considered. Such resolution shall also designate the boundaries of the district to be affected or benefited by such improvements. Upon adopting such resolution the Common Council shall give notice of such intention, which notice shall be published at least once a week for two consecutive weeks in a newspaper printed in such city, or posted for a like period in three public places therein. Such notice shall describe the improvement so proposed to be made, and state the estimated cost thereof, and

Party deemed
to have notice,
when.

Hearing on
petition.

Assessment to
be a lien upon
property.

Enforcement of
lien.

Street work.

And to pay
therefor either
by tax

Or by payment
out of street
fund

Resolution of
intention.

Objections
thereto.

Notice of inten-
tion.

What notice
shall contain.

One-third in
value of the
property,
Objection by.

designate the time set for such hearing, and shall refer to such resolution so entered upon the journal for such description of boundaries. If, at or before the time so fixed, written objection to such improvements, signed by the owners of one-third in value of the property so to be affected or benefited, as shown by the last preceding assessment roll, be not filed, the Common Council shall be deemed to have acquired the right to order the making of such improvement.

Lien.

Enforcement of.

Redemption.

Lighting the
city.

Streets and
sidewalks.

Sewers.

Road Poll-tax.

Sidewalks.

Health.

Any such special assessment made and levied to defray the cost and expenses of such work, together with any percentage imposed for delinquency and the costs of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, from and after the date of the order for such assessment, which lien may be enforced by a summary sale of property, and the execution and delivery of all necessary certificates and deeds therefor, under such regulations as may be prescribed by ordinance, or by an action in any court of competent jurisdiction, to foreclose such lien; *Provided*, that any property sold to satisfy such lien shall be subject to redemption within the time and in the manner provided, or that may hereafter be provided by law for the redemption of property sold for taxes.

293. (Sec. 14.) To provide for the lighting of the streets and furnishing the city with gas, or other lights, and for the erection or construction of such works as may be necessary or convenient therefor.

294. (Sec. 15.) To provide for clearing, opening, graveling, paving, improving, constructing and repairing streets, highways and alleys and sidewalks and gutters, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalks; also to regulate cellar-ways and cellar lights and sidewalks within the city; to provide for cleaning the streets and sidewalks, and for constructing sewers and cleaning and repairing the same, and to assess, levy, and collect, annually, a road poll-tax of two dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, excepting persons who are a public charge. Said city shall not be included in any road district in the County of Alturas, and no other road poll-tax shall be collected within the limits of such city, and the same when collected shall constitute the General Street Fund of said city, and no money shall be expended or drawn out of the General Street Fund for any other but street purposes.

296. (Sec. 16.) The Common Council, whenever it is deemed expedient to cause sidewalks to be constructed, repaired, or kept in order, may by ordinance provide for the same. If any person owning real estate within the city shall refuse or neglect to build or repair said walks according to the requirements and provisions of said ordinance for sixty days after its publication, the Common Council shall cause said walks to be constructed or repaired, and pay for the same out of the General Street Fund; and the expense thereof shall be assessed on the real property along which said walks are built, and be collected as other taxes are collected.

297. (Sec. 17.) To make regulations for preserving the health of the citizens, and to prevent the introduction of

contagious diseases into the city; and for these purposes to remove persons affected with contagious diseases to suitable hospitals or pest houses provided for the same, and to provide for their support; and to cause any lot of land within its limits on which water at any time becomes stagnant, to be drained or filled up; to regulate, control and enforce the building and cleaning of vaults within the city; and in case of a failure or refusal of the owner of property to comply with the requirements of any ordinance or resolution of the City Council with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

Drainage.

298. (Sec. 18.) To provide for the survey of the blocks and streets of the city, and for the making and establishing of the boundary lines of such blocks and streets, and to establish the grades of all streets within the city, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways and alleys and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes, and in the manner provided for by Section Twelve (12) of this Act, and to authorize and forbid the location or laying of tracks for railways and street railways on all streets, alleys and public places; but no railroad track can thus be located and laid down until after the injury to property abutting upon the street, alley or public place upon such track is supposed to be located and laid down, has been ascertained and compensated for in the manner hereinafter provided.

Railways.

299. (Sec. 19.) To authorize the erection and maintenance of water works for the purpose of furnishing the city with water.

Water works.

To authorize the construction of such water works without the limits of the city, and for the purpose of protecting and maintaining the same from injury and the water from pollution, the jurisdiction of the city shall extend over the Territory occupied by said works, and all reservoirs, streams, trenches, pipes and drains used in and necessary to the construction, maintenance and operation of the same, and over the streams and source from which the water is taken for five miles above the point from which taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

300. (Sec. 20.) If the right to construct and operate such water works is granted to private individuals or corporations, it may make such grant to inure for the term of twenty-five years, and may authorize such individual, company or corporation to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between such individual, company or corporation building such works.

Same.

And said city is authorized and empowered to enter into a contract with the individual, company or corporation constructing such works, to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such

- sum as may be agreed upon between said contracting parties, and if the construction and operation of such water works is done by individual or private corporations, the city may confer, by ordinance, upon such individuals or corporation the said power to take and appropriate private property for such purposes, on paying damages therefor; and if the right to build, maintain and operate such water works shall be granted to a private individual, company or corporation, and the city shall contract with such individuals, company or corporations for a supply of water for any purpose, the city shall levy and collect each year a special tax to pay said water rent; *Provided*, that said tax shall not exceed one-fifth of one per centum, annually, within the limits benefited by such works; which limits shall be fixed by the Common Council, each year, before levying any tax authorized by this section, and said taxes shall only be assessed, levied and collected on property within said limits; but no taxes shall be levied or collected for the purpose of aiding any private individual, company or corporation in the construction of such water works.
- Special tax.**
- Same.**
- Restraining animals from running at large.**
301. (Sec. 21.) To regulate and prevent domestic animals running at large, and to license, tax, regulate and restrain the keeping of dogs within its limits, and to authorize the distraining, impounding, and sale of the same for the penalty incurred, and costs of proceeding, or may authorize their destruction. To impose and collect an annual tax not exceeding two dollars, on every male dog, and not exceeding five dollars on every female dog, owned or harbored within the city limits, and no other dog tax shall be collected within the limits of said city. To create a Pound, and the office of Poundkeeper, and describe his duties by ordinance, and regulate his fees.
- Licenses.**
302. (Sec. 22.) To regulate license, and tax all carts, drays, wagons, carriages, coaches and omnibuses, and other vehicles kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, drummers and persons selling by sample or taking orders for goods to be delivered at some future time from places outside the limits of said city, brokers and pawnbrokers; to license, regulate, restrain and prohibit for cause, drinking saloons, beer shops, breweries or other places where intoxicating and other beverages are sold or disposed of in quantities less than one quart; but no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors, for medical purposes; to license, tax and regulate wash-houses, and to prescribe and regulate the places for the same, and the persons who shall carry on the same; to license and tax hotels, livery stables, and wholesale and retail establishments of every kind and description; *Provided*, that no tax or license shall be imposed for the sale inside its limits of any natural products of this Territory, nor shall they be imposed upon wheel-wrights, carpenters, blacksmiths, boot and shoe makers, tailors, milliners and dressmakers, and other mechanical arts; And *provided, further*, that all licenses which may by any ordinance passed under the provisions of this section, be imposed upon any mercantile business, except the sale of liquors by retail in

quantities less than one quart, within the city limits, shall be divided into three or more classes, the amount of license which any such person, firm or company shall pay, and which shall in no case exceed twelve dollars per quarter, to be governed by the amount of sales, which sales shall be ascertained as near as may be in the manner now provided in the General Revenue Laws of this Territory.

[As amended, Act January 30, 1885.]

303. (Sec. 23.) To erect and maintain buildings for municipal purposes. To permit under proper restrictions, the laying of railroad tracks, and the running of cars by horses, steam, or other motive power thereon, and laying of gas and water pipes, and the construction and maintenance of telegraph and telephone lines in the public streets.

Licenses to be graded

Public buildings.

304. (Sec. 24.) To establish and maintain a police, and to provide for the election and appointment of such police officers as may be necessary, who shall have full power to make arrests within or without the city, and possess the same power and authority as constables now have, or may hereafter have; and in all cases where arrests are made for offenses tried under the general laws of the Territory before Justices of the Peace, or other Territorial courts, such police officers shall be entitled to receive the same fees as Sheriffs or Constables for the same service.

Police.

Same authority as constables.

And receive the same fees in certain cases.

305. (Sec. 25.) To suppress opium dens, and any house or place kept or used as a resort for the purpose of smoking opium, and to provide by ordinance for the punishment of any person or persons who shall set up, open, or cause to be opened, or keep any house or place as a resort for the purpose of smoking opium, or who shall sell, vend, or give away opium for the purpose of being smoked upon the premises, or who shall bargain for, buy, take or accept any opium in any house or place to be smoked upon the premises, or who shall be found in any house or place kept or used as a resort for the purpose of smoking opium, or who shall smoke opium in any house, not the dwelling house of such person or persons.

Opium dens, etc.

306. (Sec. 26.) To prevent injury or annoyance from anything dangerous, offensive, or unhealthy, and to cause any nuisance to be abated; to restrain and punish any disturbance, or any unlawful or indecent practices; to provide for the support and employment of vagrants and paupers; to suppress, prohibit, restrain and regulate disorderly houses, houses of ill-fame, or gambling houses, and to authorize the destruction of all instruments or devices used for purposes of gambling or gaming; to regulate the transportation and keeping of gunpowder or other combustibles, and to provide or license magazines for the same; to prevent and punish fast or immoderate riding or driving upon the streets or public places; to regulate the speed of trains and locomotives on railways over the streets, or within the limits of the city; to prevent any riots, noise or disturbance or disorderly assemblages; to protect the property of the corporation or its inhabitants, and to preserve peace and order therein. Every act or thing done or being within the limits of such city, which is or may be declared by law or ordinance to be a nuisance, shall be and is hereby declared to be a nuisance, and shall be considered and treated as

Nuisances, houses of ill-fame.

Gambling
Penal acts.

What are nuisances.

Cemeteries and
burial of the
dead.

Markets.

City not to incur
debt.

Charter City
of Bellevue
S L '1897
p. 86 sec 29
amended
L. '39 c. 138
sec 2 p 247
(Amending
clause
incomplete)
year, and

May borrow
money to credit
fire department.

To levy tax to
pay interest and
create sinking
fund.

Ordinances.

Penal laws.

Pay of officers.

such in all actions and proceedings whatever; and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply thereto.

307. (Sec. 27.) To establish cemeteries and improve the same, and to regulate the burial of the dead therein, and to prevent the burial outside thereof.

308. (Sec. 28.) To establish and regulate markets, and to provide for the measuring and weighing of hay, coal, and other articles of sale.

309. (Sec. 29.) The Common Council shall not create, audit, allow or permit to accrue, any debt or liability in excess of the available money in the Treasury that may be legally apportioned and appropriated for such purposes, nor shall any warrant be drawn, or evidence of indebtedness be issued, unless there be at the time sufficient money in the Treasury legally applicable to the payment of the same; *Provided*, that during the first year of its existence under this Act, the city may negotiate a loan not exceeding one thousand dollars, to bear interest at the rate of twelve per centum per annum, the same with interest to be paid and discharged at the expiration of one year from the date of such loan; *And provided, further*, that the Common Council may borrow on the credit of the city, a further sum, not in excess of five thousand dollars, at a rate of interest not exceeding ten per cent. per annum, for the purchase of fire engines and other apparatus for the prevention and extinguishment of fires, and to provide a sufficient supply of water; and it shall be the duty of the Common Council to pass an ordinance providing for the mode of creating such indebtedness, and of paying the same, and in such ordinance provision shall be made for the levy and collection of an annual tax upon all the real and personal property subject to taxation within such city, sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within a period of not more than ten years from the time of contracting the same. It shall be the duty of the Common Council in each year thereafter, at the time at which other taxes are levied, to levy a tax sufficient for such purpose, in addition to the taxes in this chapter hereinbefore authorized to be levied; such tax, when collected, shall be kept in the Treasury as a separate fund, to be inviolably appropriated to the payment of the principal and interest of such indebtedness.

310. (Sec. 30.) The Common Council of said city shall have power to pass ordinances not in conflict with the laws of the United States or this Territory, for the government of the city, and to carry into effect the power given by this Act; to provide for the punishment of any violation of any ordinance of the city, by a fine not exceeding one hundred dollars, or imprisonment for not more than thirty days, or both, or by a forfeiture or penalty not exceeding one hundred dollars, and for the working of any one sentenced to such imprisonment, or committed in default of the payment of any such fine and costs during the term thereof.

311. (Sec. 31.) To establish and regulate the fees and compensation of all its officers, except when otherwise provided, said city shall have all other powers and privileges

not herein specially enumerated as are incident to municipal corporations, not inconsistent with the laws of the United States or of this Territory, and as may be necessary for carrying into effect the provisions of this Act, according to the true intent and meaning thereof.

312. (Sec. 32.) No general laws of this Territory shall have the effect to alter or amend this charter, or any of the provisions thereof, when inconsistent therewith, unless the Act enacting said laws clearly expresses such intention by a reference to the said charter.

General laws of territory not to affect.

CHAPTER IV.

ELECTIONS.

SECTION		SECTION	
313.	General election.	319.	Canvass of votes; The vote; Decided by lot.
314.	Qualification of voters.	320	{ Certificate of election; Council the final judge of the Mayor and their own members. Contested elections
315.	Vote by ballot		
316.	Notice of election.	321.	Term of office.
317.	Opening and closing of polls; Absence of Judge	322.	Oath of office.
318.	{ Qualification of Judges and Clerks, Certain acts not to invalidate an election.	323	General laws to govern elections.
	Returns of votes cast.		

313. (Sec. 33.) There shall be a general election for all city officers required to be elected under this Act, on the first Monday in April in every year.

General election.

314. (Sec. 34.) No person is qualified to vote at any election under this Act who does not possess the qualifications of an elector according to the laws of this Territory, and who has not resided in said city for thirty days next preceding such election, and who, if under fifty years of age, has not paid either a road, poll, or property tax, if any has been assessed for the fiscal year then last passed, such payment to be proven by the proper official receipt therefor, or other record evidence; except when for good cause such evidence cannot be produced, it may be proven by the oath of the person offering to vote.

Qualification of voters.

315. (Sec. 35.) That at all elections for city officers the vote shall be by ballot.

Vote to be by ballot.

316. (Sec. 36.) The Clerk, under the direction of the Common Council shall give ten days' notice, by posting the same in at least two public places in each ward of the city, or by publication in some newspaper published in said city, of such general election, the officers to be elected, the places designated for holding the election in each ward, and the judges and clerks appointed to conduct the same.

Notice of election.

317. (Sec. 37.) All elections shall commence at twelve o'clock M., and continue until six o'clock P. M., of the same day, without closing the polls between such hours. If any judge of an election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place, and if any Clerk fails to attend and serve at the proper time the judges of the election may appoint another in his place.

Opening and closing of polls.

If judge be absent, voters to elect.

318. (Sec. 38.) Judges and clerks of election must possess the qualifications of voters in the ward where they act; but a mistake or error in this respect, or a failure to give notice of election as required by this Act, shall not invalidate any election otherwise legal.

Qualification of judges and clerks.

Certain acts not to invalidate election.

Return of votes cast.	The judges of election and clerks shall make a full and complete return of the votes cast at any election, and sign the same, and deposit the same, within forty-eight hours after the day of said election, with the City Clerk.
Canvass of votes.	319. (Sec. 39.) Within ten days after any election, at any general or special meeting, the City Council shall canvass the return thereof, and a written statement of said canvass shall be made and signed by the presiding officer of the Council at the said canvass and attested by the Clerk and immediately filed with the Clerk. Such written statement shall contain the whole number of votes cast at said election, the name given for any person for any office, and the names of persons elected to such office. <i>Provided</i> , that if the requisite number of officers shall not be elected, by reason of two or more persons having an equal and highest number of votes for one and the same office, the Council shall give notice to the several persons so having an equal number of votes to attend at the Council Chamber at an appointed time; and the said Council shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be deemed duly elected; and a certificate of election shall be duly issued to the person thus declared elected, as hereinafter provided. Within two days after said canvass is filed, the Clerk shall make and sign a certificate of election for each person declared thereby to be elected, and deliver the same on demand to the said person.
Tie vote.	320. (Sec. 40.) A certificate of election is <i>prima facie</i> evidence of the matter therein stated, but the Council is the final judge of the qualifications and election of the Mayor and its own members. A contested election for any office must be determined by the Council according to the laws of the Territory regulating the proceedings in contested elections for county officers.
Decided by lot.	
Certificate of election <i>prima facie</i> evidence	321. (Sec. 41.) The term of office of every one elected to office under this Act shall commence on the first Monday of May of each year. Any person elected to any office who shall fail to qualify by filing a bond and taking the oath of office, as is herein provided, on or before the said first Monday of May after his election, shall be deemed to have declined said office, and said office shall thereby become vacant; except in cases of contests, in which case such person must qualify within ten days from the determination of such contest.
Council judges of the election of mayor and their own members.	
Contested election.	322. (Sec. 42.) All persons elected under this Act, before entering upon the duties of his office shall take and file with the Clerk an oath to the following effect: "I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States and the organic Act of this Territory, and I will to the best of my ability, faithfully perform the duties of ——— during my continuance in said office, so help me God," and file an official bond when required.
Term of office.	
Oath of office.	323. (Sec. 43.) All laws of this Territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this Act, unless as herein otherwise provided.
General laws to govern elections.	

CHAPTER V.

VACANCIES IN OFFICE.

SECTION
324. { Vacancies;
Office declared vacant, when
325. Vacancies, how filled.

SECTION
326. { Vacancies, officers appointed to fill;
Bonds, etc.

324. (Sec. 44.) An office becomes vacant upon the death, removal or resignation of the incumbent, or a failure to qualify as required by law. Vacancies.

An office may be declared vacant by the City Council when the incumbent thereof shall have been absent from the city, without leave of the Council first obtained, for the period of sixty days, excepting that the office of any Alderman who shall neglect and refuse to attend the regular meetings of the Council four consecutive times (unless caused by illness) without leave of the Council first obtained, may be declared vacant by the Council. Office may be declared vacant, when.

325. (Sec. 45.) A vacancy in any office shall be filled by the Council at a regular meeting. Vacancies, how filled.

326. (Sec. 46.) An officer appointed to fill a vacancy shall fill said office until the next regular city election, and must within five days after being notified of his appointment by the Clerk, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined, and the office shall be vacant. Officer appointed to fill vacancy to file bond, etc.

CHAPTER VI.

ORGANIZATION AND POWERS OF THE COUNCIL.

SECTION
327. Council, powers of.
328. Council, meetings of
329. Council, quorum of
330. Council, may adopt rules Bonds.
Ayes and noes
331. Council, punish members.

SECTION
332. { Mayor, the president of,
To decide a tie vote,
Mayor, pro tem
333 Council, annual meeting
334 Majority.

327. (Section 47.) The City Council shall have all the legislative powers granted by this Act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer. Council, powers of.

328. (Sec. 48.) The Council shall provide for the time and place of its regular meetings, at any of which it may adjourn until its next regular meeting, or to any intervening time, and it may be convened by the Mayor or any two Aldermen at any time, upon a day's notice given to each member thereof in the city. Meetings of.

329. (Sec. 49.) A majority of the members of the Council shall constitute a quorum, but a less number may adjourn from time to time, and compel the attendance of absent members. Quorum.

330. (Sec. 50.) The Council may adopt rules and regulations for the government of the conduct of its members and its proceedings. It may require of any of the city officers such official bonds for the faithful discharge of their duties as they may deem expedient, and provide by ordinance for the giving, filing, approval and prosecution of such bonds. It shall keep a journal of its proceedings, and the call of any one of its members must cause the ayes and Bonds. Council may adopt rules.

Ayes and noes.	noes to be taken and entered in the journal upon any question voted upon. Its deliberations and proceedings must be public.
May punish members.	331. (Sec. 51.) The Council may punish any member for disorderly conduct at any meeting, or for refusing or neglecting to attend any meeting without sufficient cause, and may by a two-thirds vote expel a member.
Mayor president of council.	332. (Sec. 52.) The Mayor is <i>ex officio</i> President of the Council, and shall preside over its deliberations when he is present, but shall not vote, except in case of a tie in the vote of the members present and voting, in which case he shall have the casting vote. He has authority to preserve order, enforce the rules of the Council, and determine the order of business, subject to such rules and to an appeal to the Council. In the absence of the Mayor at any meeting, the Council must appoint one of their members President to serve during the meeting, or until the Mayor attends.
Decides a tie vote.	
Mayor pro tem.	333. (Sec. 53.) On the first secular day of June, there must be a regular annual meeting of the Council, and such meeting is appointed by this Act, and no notice or call therefor is necessary.
Annual meeting.	
Majority.	334. (Sec. 54.) A majority of the whole number constituting the Council, is a majority within the meaning of this Act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

CHAPTER VII.

THE MAYOR, HIS POWER AND DUTIES.

	SECTION 335. Mayor. 336. Mayor to appoint undertakings. 337. Mayor, other duties of.	SECTION 338. { Mayor, veto power of; Mayor, ordinances to be signed by; Ordinances, publication of. 339. Acting Mayor.
Mayor.	335. (Sec. 55.) The Mayor is the executive officer of the corporation. It is his duty at the first regular meeting in June, to communicate by message to the Council, a general statement of the condition and affairs of the corporation, and to recommend the adoption of such measures as he may deem expedient and proper, and to make special communications to the Council from time to time, as he may think proper.	
To approve undertakings.	336. (Sec. 56.) He shall take and approve all official undertakings which the ordinances of the city may require from any officer, or any undertaking which may be required of contractors, for the faithful performance of official duty, or of contracts, and approve the same, and file immediately with the City Clerk.	
Other duties of.	337. (Sec. 57.) He shall perform such other duties, and exercise such other authority as may be prescribed by this Act, any city ordinance, or law of the United States, or of this Territory.	
Veto power.	338. (Sec. 58.) Any ordinance which shall have passed the Council, shall, before it becomes a law, be presented to the Mayor for his approval; if he approves the same, he shall sign it; if not, he shall, within ten days, return it with	

his objections in writing to the Council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same. If, after such reconsideration, two-thirds of the Council shall vote to pass the same, it shall become a law: in case the Mayor shall not return such ordinance within ten days, it shall become a law. Every ordinance shall be signed by the Mayor, attested by the Clerk, and published at least once in a newspaper published in such city, or printed and posted in at least three public places therein.

Ordinance to be signed by mayor or clerk.

Publication of.

Acting mayor.

339. (Sec. 59.) During any temporary absence of the Mayor from the city, or if he be unable to act, the Council shall elect one of their members, who shall be the acting Mayor, and perform all the duties of such office during such temporary absence or inability, except as is otherwise provided by this Act.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SECTION	SECTION
340. { City Attorney, duties of, City Attorney to prosecute viola- tion of ordinances.	349. Revision of assessment.
341. City Clerk, duties of.	350. { Mode of assessment; Conform to Territorial laws
342. Demands against the city to be in writing.	351. { Marshal, appoint deputies, make arrests; Marshal, keeper of city prison.
343. Clerk to draw warrants. Certain funds.	352. { Marshal, to keep record of arrests; Marshal report each month.
344. Clerk to keep books of account.	353. Justices of the Peace to give bonds.
345. Treasurer, duties of.	354. Power of other officers.
346. Treasurer, to keep an account.	355. Official records.
347. Treasurer's report.	356. Books open to inspection.
348. Assessor's report	

340. (Section 60.) The City Attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the Mayor or Council; but the city may employ additional counsel when deemed advisable by the Council. He shall also prosecute all violations of any city ordinance.

City attorney.
Duties of.

341. (Sec. 61.) It shall be the duty of the Clerk to keep a fair and correct journal of the proceedings, and to file and keep all papers and books of the City Council. The Clerk is authorized to administer any oath required to be taken in connection with the duties of his office.

To prosecute violations of ordinances.
Clerk, duties of.

342. (Sec. 62.) All demands and accounts against the city must be presented to the Clerk, with the necessary evidence in support thereof, and he must submit the same to the Council, who shall by a vote direct whether the same shall be paid, or any part thereof, as they may deem it just and legal.

Demands against the city to be in writing.

343. (Sec. 63.) When the Council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the Clerk must draw a warrant upon the Treasurer for the amount ordered paid, which warrant must be drawn on the special or general fund appropriated therefor, and be signed by the Mayor and attested by the Clerk.

Clerk to draw warrant.

Must be on certain fund.

344. (Sec. 64.) The Clerk must keep proper books of account, showing therein all sums appropriated, the date there-

Clerk to keep books of account.

	of, and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the city finances.
Duties of treasurer.	345. (Sec. 65.) The Treasurer must receive and keep all money that shall come to the city by taxation, or otherwise, and pay out the same upon the warrant of the Mayor, attested by the Clerk.
To keep an account.	346. (Sec. 66.) The Treasurer must keep an account with the general fund, and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund, it can only be paid out of such fund.
Report of receipts.	347. (Sec. 67.) The Treasurer must make a report of the receipts and expenditures to the Common Council at the first regular meetings in the months of December and June of each year, which report shall be published in any newspaper published in the city.
Assessor.	348. (Sec. 68.) The Assessor must annually make a correct list of all the property subject to taxation by the city, with the valuation thereof, and certify and return the same to the Clerk.
Any person may apply for revision of assessment.	349. (Sec. 69.) A person feeling himself aggrieved by any such assessment, either in the valuation or listing of the property, may apply in writing to the Council to have such assessment revised, and if the Council deem the same erroneous, they must correct it. The party applying for such correction may be examined as a witness in relation to the matter, if he desires it or the Council require it.
Mode of assessment.	350. (Sec. 70.) The assessment of property must be made in the manner prescribed by law for assessing property for Territorial and County taxes. But the form of assessment roll and the rule for ascertaining the ownership of property and in whose name it may be assessed, the mode of collecting taxes, and the sale of property for delinquent taxes may be prescribed by ordinance, and the time of making the assessment and the return thereof, and of applying to the Council for a revision thereof, must be prescribed by ordinance; <i>Provided</i> , that the mode of collecting taxes, and the sale of property for delinquent taxes as prescribed in such ordinance, shall conform as near as may be to the laws and provisions regulating the collection of taxes under the General Revenue Laws of this Territory.
Collecting taxes and sale of property must conform to territorial laws.	
Marshal a peace officer.	351. (Sec. 71.) The Marshal is a peace officer and must execute all process issued by the Justices of the Peace of the city directed to him, or by any magistrate of the Territory. He must attend regularly upon the Courts of said Justices of the Peace, and meetings of the Common Council. He has power, by and with the approval of the Council, to appoint one or more deputies who shall possess the same power. He shall make arrests for breach of the peace, or for commission of a crime within the city limits, with or without warrant, as a peace officer may do under the laws of the Territory. He shall exercise a vigilant control over the peace and quiet of the city, and he is the keeper of the city prison, unless otherwise prescribed by ordinance.
May appoint deputies.	
May make arrests.	
Keeper of city prison.	

352. (Sec. 72.) The Marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause, or complaint upon which said arrest was made, and must make a full and complete report in writing each month to the City Council.

Marshal to keep record of arrests.

To report each month.

353. (Sec. 73.) The Justices of the Peace of the city shall, before exercising any of the functions of their office as such, give a bond to the city in such sum, and such conditions as the Council may require.

Justices of the Peace to give bonds.

354. (Sec. 74.) The powers and duties of all other officers of the city shall be as prescribed by ordinance.

Powers and duties of other officers.

355. (Sec. 75.) The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, and delivered to their successors.

Books and papers of officers are city property.

356. (Sec. 76.) The official books and papers of any officer mentioned in this Act, may be inspected at any time by a committee of the Council appointed for that purpose.

Books to be open to inspection

CHAPTER IX.

ORDINANCES.

SECTION	SECTION
357. { Ordinances, title of, Ordinances, require a majority, to pass. Ordinance, contain only one sub- ject.	358. Ordinance, to be recorded and published, when.

357. (Section 77.) The enacting clause of every ordinance shall be "The city of Belleville does ordain as follows." All ordinances and resolutions, or rules, for the appropriation or payment of money, shall require for their passage and adoption the concurrence of a majority of all the members of the Council. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be revised or amended unless the new ordinance contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

Ordinances, title of.

Requires a majority to pass.

To contain but one subject

358. (Sec. 78.) All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signature of the presiding officer and Clerk; and all those of general or permanent character, and those imposing any fine, penalty or forfeiture shall be published in some newspaper of general circulation within the city, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made, and no such ordinance shall take effect and be in force until the expiration of five days after they have been published.

Ordinances to be recorded.

And published when

Defence that no publication was made good.

CHAPTER X.

SALARIES OF OFFICERS.

SECTION	SECTION
359. Marshal's salary.	363. Attorney's salary and fees.
360. Treasurer's salary.	364. Surveyor's salary.
361. Assessor's fees.	365. Health Officer's salary.
362. Clerk's salary.	

359. (Section 79.) The Marshal, in addition to his duties as peace officer, if so directed by the Common Council

Duties of marshal.

Salary.	or by ordinance, shall perform the duties of License, and Delinquent Road Poll-Tax Collector, Fire Warden and Street Commissioner, and shall receive such compensation for all such services, to be fixed by ordinance, as may be agreed upon between said Marshal and the Common Council, at the time of his election, not exceeding in salary and fees together the sum of one hundred dollars per month; and in case of vacancy in the office of Marshal, the Common Council may appoint some person qualified therefor to perform either or all of said duties except peace officer. [As amended, Act January 30, 1885.]
Treasurer.	360. (Sec. 80.) The Treasurer shall receive at stated times a compensation not exceeding three hundred dollars per annum.
Assessor.	361. (Sec. 81.) The Assessor, who shall be <i>ex-officio</i> Tax Collector, shall receive for all such services a compensation to be fixed by ordinance, not exceeding eight per centum upon all moneys collected by him for taxes.
Clerk, \$40 per month.	362. (Sec. 82.) The Clerk shall receive a compensation to be fixed by ordinance, not exceeding forty dollars per month.
Attorney, \$25 per month and fees.	363. (Sec. 83.) The City Attorney shall receive a compensation to be fixed by ordinance, not to exceed twenty-five dollars per month, together with such fees as may be fixed by ordinance for the prosecution of all violations of any city ordinance.
Surveyor, salary of.	364. (Sec. 84.) The Surveyor shall receive such compensation as may be fixed by the Council.
Health officer and other officers, salary of	365. (Sec. 85.) The Health Officer and all other officers herein mentioned, or who may be created by ordinance, shall receive such fees as may be fixed by ordinance.

CHAPTER XI.

TAXATION.

SECTION	SECTION
Assessor; Road tax, Marshal to collect and add names.	370. Officers making sales to execute deeds.
336. Road tax, working out; Penalty; Road tax, Marshal's fees for collecting.	371. Redemption of property sold for tax.
367. Employers	372. Property to be sold
368. Delinquent tax to bear interest; Tax a lien on real property.	373. Personal property sold for tax
369. Delinquent tax, city to decide.	374. Warrants for the collection of delinquent Road Poll-Tax, Fees for collection.
	375. Property subject to sale
	376. Marshal's bond as license, etc., collector.

Assessor to make list of persons liable to road tax.

366. (Section 86.) The Assessor shall annually make out a list of the names of all persons within the city liable to pay a road poll-tax, as provided in this charter; and at the time of making the assessment, the Assessor shall demand from each person the road poll-tax, levied for said year by the Council, and if the said road poll-tax is then paid, the Assessor shall mark the same paid on said list, and give to the person so paying, a receipt therefor; and the said list shall be returned to the Council with the return of his assessment of property, and he shall pay over to the City Treasurer the money received by him, and take his receipt therefor, and file the same with the City Clerk. The said delinquent road poll-tax list shall then be given to the City Marshal or the person appointed therefor by the Common

Council, and he shall at once proceed to collect the unpaid road poll-tax thereon from the persons named in said list. The Marshal, or the person appointed therefor as aforesaid, shall also place upon said list the names of all persons found in said city liable to pay said road poll-tax, who shall fail to produce a receipt for the payment of a road poll-tax for the current year. He shall demand the amount due from each person named on said list when assessable, and shall proceed at once to collect the same from any person who shall fail to pay the same when so demanded, by levy and sale of personal property of such person so delinquent, or sufficient thereof for that purpose, and to pay the expenses of the levy and sale; *Provided*, that the Council may allow any person to pay said road poll-tax or delinquent road poll-tax in work upon the streets of the city, under the direction of the Marshal, or the person therefor appointed as aforesaid, at the rate of one dollar per day; *Provided further*, that the City Council may by ordinance fix, as a penalty, a sum not to exceed one dollar, in addition to the original road poll-tax after it shall become delinquent as compensation for the collection and sale under such delinquency, and allow the Marshal, or person appointed therefor as aforesaid, such portion thereof as fees for such collection and sale as they deem fit. [As amended, Act January 30, 1885.]

367. (Sec. 87.) Any person having men employed, either for himself, or under his control, or any company, shall, when required, provide a list of the names of all such persons so employed, liable to pay such road poll-tax, and if such employer or his agent shall fail to furnish such list, or shall furnish an incomplete or otherwise incorrect one, then such employer or company shall be liable to pay such road poll-tax of his or their employees, and shall pay the road poll-tax due by such men so employed on being notified in writing by the Marshal.

368. (Sec. 88.) Whenever any special or general tax has been levied, as provided and authorized by this Act, every part thereof shall bear interest at the rate of one and one-half per cent. per month, from the time it becomes delinquent until paid, and shall be a lien from said date upon any real property owned by the party assessed.

369. (Sec. 89.) The City Council must provide, by ordinance, within what time all taxes levied, as provided and authorized by the provisions of this Act, shall become delinquent, and all taxes not paid within such time are thereafter delinquent taxes, and shall be collected as such, with ten per cent. additional.

370. (Sec. 90.) When real property is sold for delinquent taxes, the person making the sale must, as soon as possible thereafter, make a deed for such property to the purchaser, stating therein that the same is made subject to redemption, as provided by law, and such deed shall convey to the purchaser (subject to redemption) all the estate or interest therein of the owner, whether known or unknown.

371. (Sec. 91.) Real property sold for taxes as herein provided, may be redeemed by the owner, or his successor or grantee in interest, or any person having lien thereon either by judgment, decree, mortgage or otherwise, or any

Given to Marshal to collect.

Marshal shall add names of persons liable to tax.

And collect by levy and sale of personal property.

Any person may work out tax at \$1 per day.

Penalty for being delinquent \$1, may be added to tax.

Marshal's fees for collecting.

Persons to give list of all persons working under him or pay their tax.

Delinquent tax to bear interest.

Tax a lien on real property.

City to provide within what time taxes shall become delinquent

10 per cent. to be added

Officer making sale to execute deed.

What deed conveys

Redemption of property sold for taxes.

part thereof, separately sold within two years from the date of the deed therefor, by the payment of the purchase money, together with interest on the purchase money from the date of the sale to the time of the payment, at the rate of two (2) per cent. per month, and also the amount of any and all taxes, which the purchaser may have paid on said land, with the same interest thereon. A redemption discharges the property from the effects of the sale and from the tax levied for which it was sold. If made by the owner or grantee, or successor in interest, the estate in the property is thereby restored to such owner, grantee or successor in interest, but if made by a lien creditor, the amount so paid shall form a part of his lien and bear like interest. All laws of this Territory in regard to the redemption of real property, sold either by virtue of an execution or other judicial sale, so far as they are not inconsistent with the provisions of this Act, shall apply to the redemption of real property sold for taxes under the provisions of this Act.

Only sufficient property to pay tax to be sold.

372. (Sec. 92.) In the sale of real property for delinquent taxes, only so much thereof shall be sold as is necessary to pay the required amount. In said sale the said real property shall be sold in pieces and parcels most likely to sell for the amount necessary to pay said taxes and costs and interest and legal charges; and the person offering to pay the said amount for the least amount of said real property, shall become the purchaser and receive the deed for the amount so purchased.

Sale of personal property for taxes.

373. (Sec. 93.) Personal property sold under the authority of this Act, shall be sold to the highest bidder for cash, and the bill of sale thereof shall state the amount for which the same was sold, and the return of the person making the sale must specify such consideration and the name of the purchaser.

Council to provide within what time for warrant to be returned.

374. (Sec. 94.) The City Council may provide, by ordinance, within what time a warrant for the collection of delinquent road poll-taxes must be returned, and may order an *alias* warrant to issue for the collection of any such taxes, not made on a previous one. All costs and charges for the collection of delinquent road poll-taxes must be made on a warrant and collected as a part of the tax. The Council may provide by ordinance the fees and compensation for collecting delinquent taxes, but the same shall in no case be paid out of the Treasury of the city.

Fees of collection.

Property subject to sale.

375. (Sec. 95.) All property subject to levy on execution is subject to levy upon a warrant for the collection of delinquent taxes, and also all property subject to assessment for taxes, as provided for by this Act, whether the same be exempt or not.

Marshal's bond as license and delinquent Road Poll-tax Collector.

376. (Sec. 96.) The City Marshal, or any person appointed therefor, shall, before entering upon the discharge of his duties as License Collector and Collector of delinquent road poll-taxes, give a bond to the city in a sum to be fixed by the Council, conditioned for the faithful discharge of his duties as such, and that he will pay over all moneys collected by him as required by law or ordinance.

[As amended, Act January 30, 1885.]

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SECTION		SECTION	
377.	{ City not bound by contracts unless ; Exceptions.	389.	Ferries and bridges.
378.	{ City liable for damages ; City officers are liable, when	390.	Condemning property, compensation therefor.
379.	{ No money to be drawn but by ordi- nance, Ordinances to contain only one subject.	391.	Violation of city ordinances
380.	Debate in council.	392.	{ Offenders committed to County Jail, Compensation for keeping same.
381.	Fiscal year.	393.	Officers to settle accounts each month.
382.	Assessments Levies or collections of taxes deemed regular	394.	{ Officers not to be interested in any contract, Contract void, when, Violation of.
383.	Right of way.	395.	{ Work to be let to lowest responsi- ble bidder, Contract for advertising and print- ing.
384.	Deed to property sold for delinquent taxes.	396.	Plat of city, streets, alleys, and blocks.
385.	Mayor and Aldermen to receive no salary	397.	Obstruction of streets, etc.
386.	Real estate.		
387.	City wards		
388.	{ Grade, change of ; Damages there- for, assess damages, Arbitrator's Report, Award, final, Judgment, Action, Costs.		

377. (Sec. 97.) The City of Bellevue is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance, and made in writing and by order of the City Council, signed by the Clerk, or some other person in behalf of the city. But an ordinance may authorize an officer or agent of the city, naming him, to bind the city without a contract in writing for the payment of any sum not exceeding fifty dollars.

City not bound by contract unless authorized by ordinance and put in writing

Exception.

378. (Sec. 98.) The City of Bellevue shall be liable to any one for any loss or injury to person or property growing out of any casualty or accident happening to any such person or property, on account of the condition of any street or public ground therein; but this section does not exonerate any officer of such city, or any other person, from such liability when such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by gross negligence, or willful misconduct of such officer or person in any other respect.

City to be liable for personal injuries from defective streets.

Officer of city or other person, when liable.

379. (Sec. 99.) No money shall be drawn from the City Treasury but in pursuance of an appropriation for that purpose made by an ordinance; and an ordinance making an appropriation of money must not contain a provision upon any other subject, and, if it does, such ordinance, as to such provisions, shall be void, and not otherwise.

No money to be drawn but by ordinance.

Ordinance to contain but one subject.

380. (Sec. 100.) A member of the Council, for words uttered in debate therein, shall not be questioned in any other place.

Words uttered in debate in Council.

381. (Sec. 101.) The fiscal year of the city shall commence on the first day of June and end on the last day of May of each year.

Fiscal year.

382. (Sec. 102.) In any action, suit or proceeding, in any court, concerning any assessment of property or levy of taxes authorized by this Act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding,

Assessments, levies, or collections of taxes deemed regular

	matter or thing is by this Act committed, or left to the discretion of the Council, such discretion or judgment, when exercised or declared, is final, and cannot be reviewed or called in question elsewhere.
City may grant right of way to gas, telegraph and telephone companies.	383. (Sec. 103.) The City Council is hereby authorized to grant the right to use the streets of said city for the purpose of laying gas pipes intended to furnish the inhabitants of said city with light; also, the right to erect telegraph and telephone lines, to any person, or association of persons, for a term not exceeding twenty-five years; and the Council may adopt such rules and regulations in granting such rights as they may think proper, and as shall not be inconsistent with law.
May regulate same.	
Deed to property sold for delinquent taxes, what to contain.	384. (Sec. 104.) In making a deed for real property sold for delinquent taxes, it is not necessary to recite or set forth the proceedings prior to the sale; but it is sufficient, if it substantially appear from such deed that the property was sold by virtue of a warrant for the sale of the same for delinquent taxes, as hereinbefore provided, and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser.
Mayor and Aldermen to receive no salary.	385. (Sec. 105.) The Mayor and Aldermen are not entitled to, and shall not receive any salary or compensation for their official services.
Real estate not platted, how assessed.	386. (Sec. 106.) All real property within the limits of the City of Bellevue not laid off in blocks at the time of making any assessment authorized by this Act must be assessed at the cash value per acre, or fraction thereof, as the case may be.
Council may divide city into wards.	387. (Sec. 107.) The City Council may divide the city into not less than two nor more than three wards, and shall apportion the members of the City Council to be elected in each, and provide the places for holding the elections in each, and appoint officers for conducting the same.
Change of grade, damages therefor.	388. (Sec. 108.) When the grade of any street, highway or alley shall have been established by authority of the City of Bellevue, and any person or persons shall have built or made improvements on such street, alley or highway, and the city shall afterwards change the established grade, or shall change the boundary line of any block, street, highway or alley, in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured the amount of such damages; and when the parties interested are unable to agree with the City Council as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the Mayor, one by the owner or owners of the property, and one by the two so appointed, or, in case of their disagreement, by the City Council. Said appraisers shall be sworn to faithfully execute their duties according to the best of their ability. They shall view the premises and receive any legal evidence, or may adjourn from day to day, but shall make their report within thirty days from the time of their appointment. They shall assess the damages sustained over and above the additional value of the property, by reason of the change or improvements. They shall sign their report and deliver the same to the Clerk of the District Court of the
If parties cannot agree then persons shall assess damages.	
Duties of arbitrators.	
Report.	

district embracing the city, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed; and upon filing a precipe therefor, or, on motion, the party entitled may have a judgment therefor. If the damage so assessed be excessive or insufficient, the Clerk shall, upon the filing of a complaint by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term. The party claiming damages shall be the plaintiff, and the city shall be the defendant. The usual pleadings in a civil action may be filed in such cause, and the issues thus formed shall be tried as other civil actions.

Award, final,
when.

Judgment.

Action.

Cost.

Same.

Council may
regulate ferries
and bridges.

The costs shall be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers; or if the same has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages are not so reduced; otherwise the costs shall be taxed against the parties claiming damages.

389. (Sec. 109.) The city shall have the power to regulate the running of ferries within the city limits and to license the same, and to build and maintain bridges or ferries across Wood river; and for the purpose of building and maintaining such bridges and ferries the city may purchase the right of way beyond its limits, and expend money in the constructing and maintaining such bridges and ferries outside the city limits, and the jurisdiction of the city shall extend beyond the city limits so far as such bridges or ferries or the approaches thereto may extend; *Provided*, that the city shall have no authority to expend money for said purposes on ferries which do not run to or from some point within the city, or on bridges, some portion of which is not within the city limits.

390. (Sec. 110.) In all cases where private property is condemned or taken for public or private use (except the uses provided for in Sections eleven (11) and twelve (12) of this Act, or by authority of this Charter), the city, or the party for whom it is taken, shall pay a fair compensation therefor to the owners of such property; and when such owners and the City Council or parties interested are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of this Territory relating to the mode of proceeding to appropriate lands by private corporations.

Mode of con-
demning prop-
erty not herein
before provided
for.

Compensation
therefor.

391. (Sec. 111.) The violation of any ordinance of the City of Bellevue shall be deemed a misdemeanor, and may be prosecuted by the authorities of said city in the name of "the people of the United States in the Territory of Idaho," or may be redressed by civil action, at the option of the City Council.

Violation of city
ordinance a
misdemeanor.

How prosecuted.

392. (Sec. 112.) The City of Bellevue shall have the right to commit any person or persons for violating any of the ordinances or laws of the City of Bellevue to the County Jail until the erection of a City Jail. The compensation for keeping city prisoners in said county shall be the same as allowed for keeping prisoners in said county, and shall be a charge against said city.

Offenders may
be committed to
county jail.

Compensation
for keeping
same.

Officers to settle
accounts each
month.

393. (Sec. 114.) Every officer collecting or receiving any moneys belonging to, or for the use of such city, shall settle his account for the same with the Clerk, on the first Monday of each month.

No officer to be
interested in any
city contract.

394. (Sec. 115.) No officer of such city shall be interested directly or indirectly in any contract with such city, or doing any work, or furnishing any supplies for the use of such city or its officers in their official capacity, and any claim for compensation for work done, or supplies or material furnished in which any such officer is interested, shall be void, and if audited and allowed shall not be paid by the Treasurer. Any willful violation of the provisions of this Section shall be a ground for removal from office, and shall be deemed a misdemeanor and punished as such.

Contract void.
Violation of.

Work to be let to
the lowest re-
sponsible bidder.

395. (Sec. 116.) In the erection, improvement and repair of all public buildings and works, in all street and sewer works, or in any other public work authorized by this Charter, when the expenditure for the same exceeds one hundred dollars, the same shall be done by contract and shall be let to the lowest responsible bidder, after due notice, and under such regulations as may be prescribed by ordinance; *Provided*, that the Common Council may reject all bids presented, and re-advertise in their discretion.

Printing and
advertising,
contract for.

The Common Council shall annually, at a stated time, contract for doing all city printing and advertising, which contract shall be let to the lowest bidder after notice, as provided in this section. All advertising shall be done in a newspaper printed and published in such city, and the contract therefor shall be awarded separately from all other printing.

Official plat.

396. (Sec. 117.) The plat of the town site of Bellevue made by Morris McFarland, U. S. Deputy Surveyor, and filed in the office of the Recorder of Alturas County, August 5th, 1882, is hereby declared to be the official plat of the City of Bellevue, and the boundary lines of any street, alley, block or lot as in said plat and accompanying field notes designated and laid down, shall be taken as the true lines of any and all such streets, alleys, blocks or lots.

Streets, alleys
and blocks.

True lines.

Obstructions of
streets

397. (Sec. 118.) Nothing in this Act shall be so construed as to authorize or permit the closing up or obstruction of any street or alley laid down, designated or described on said official plat referred to in Section 117 of this Act.

STREET RAILWAY FROM BELLEVUE TO BRODFORD.

AN ACT granting the right to George L. Wedikind, Richard Hambly, Levy Young, James Cummings and Edward J. Curtis, to construct, build and maintain a street railway from the City of Bellevue to the Town of Brodford, and through the streets of said city and town, in the County of Alturas, and Territory of Idaho.

[Approved February 5, 1885.]

SECTION
398. Right to build road.
399. Corporation and issue of stock.
400. May grade through street.
401. Condemnation of property.

SECTION
402. Rate of fare.
403. Time of grant.
404. Map of route.
405. Board of Directors

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

398. (Section 1.) The right is hereby granted Geo. L. Wedikind, Richard Hambly, Levy Young, James Cummings and Edward J. Curtis, of Bellevue, Alturas County, Idaho Territory, to construct, build and maintain a street railway between the City of Bellevue and the Town of Brodford, in the County of Alturas, and Territory of Idaho, for the transportation of passengers and freight between the said points.

Right to build road.

399. (Sec. 2.) The said persons may form an incorporation for the purpose of carrying out and completing said undertaking, and may issue stock to enable them to complete and equip the road in a proper manner for the safe transportation of passengers and freight over said road. *Provided*, that the amount and issue of said stock shall not exceed the actual value of the road, including the cost of construction, the right of way, side-tracks, time tables, depots, and machinery necessary for a full and complete equipment of said road.

Corporation and issue of stock.

400. (Sec. 3.) The said grantees named in Sec. 1 of this Bill, and their successors in interest, shall have the right to do any grading in or through the streets of said City of Bellevue, and on the line of said road. *Provided*, the City Council of said city shall give and grant to said incorporation the privilege so to do, and the said corporation may, and the right is hereby given it to run through the streets of said Town of Brodford, and erect depots for passengers and freight in said town.

May grade through streets.

401. (Sec. 4.) In case it becomes necessary to acquire private property for the construction and completion of said road, and the right and consent of the owners thereof can not be had or secured by the corporation or railway company, the same may be acquired by the appraisement of three disinterested parties, residents of the town where such property is situate, in the following manner: The owner or owners of said property shall select one person, and the corporation shall select one person, and the first two chosen shall select the third person. When so chosen, they shall be sworn before a Magistrate or Justice of the Peace, to faithfully perform the duties assigned them, and to fix the price and valuation of property without fear or favor, or the hope of any interest, direct, remote or contingent, in said corporation, or from the owner or owners of said property, and the report of said appraisers shall be the price and valuation of said property; and on the payment of said price by the said corporation, within thirty days after the said report and appraisement shall have been filed in the office of the County Recorder of said Alturas County, Idaho Territory, the railway corporation may take possession of the same and hold said property as a part and portion of the said road, and the owner or owners thereof shall peaceably surrender the same.

Condemnation of property.

402. (Sec. 5.) The said corporation shall provide safe and commodious cars for the comfort of passengers traveling between the said points as designated in Sec. 1, and shall not charge passengers a higher rate of fare than twenty-five cents for one way; and the said company shall run their cars from six (6) o'clock A. M. until eleven (11) o'clock P. M., in each day of the week.

Rate of fare.

Time of grant.

403. (Sec. 6.) The right of way so granted shall continue for fifty years from the date of the passage of this Act.

Map of route.

404. (Sec. 7.) The whole route and property of said company shall be surveyed by the County Surveyors of said Alturas County, and a map thereof made and filed in the office of the County Recorder of the said county, and the said corporate property, from the date of the filing thereof, shall be exempt from all territorial, county and municipal tax of every kind, for the period of two years therefrom.

Board of directors.

405. (Sec. 8.) The persons named herein and their successors in interest, may form a Board of Directors in any number not exceeding seven persons, who shall manage the affairs of the company or corporation for the first six months after the approval of this Act, and such Board of Directors shall have power to make all by-laws, rules and regulations in regard to the conduct and management of the business of the corporation.

FOR THE ISSUING BONDS FOR THE ERECTION OF A PUBLIC SCHOOL HOUSE IN BELLEVUE.

AN ACT providing for the issuing and sale of bonds for the erection of a public school house, on the public square, in the City of Bellevue, Alturas County, Idaho Territory, according to plans and specifications the Board of School Trustees, of Bellevue School District, No. 4, Alturas County, Idaho Territory, have on hand.

[Approved February 3, 1885.]

SECTION

406. District to issue bonds
407. Tax levy to pay; Assessor.
408. Assessment roll; Equalization.
409. Collection of taxes
410. Meeting of Trustees; Bonds.

SECTION

411. Sale of bonds.
412. Duty of Treasurer.
413. Unexpended balances.
414. Effect of Act

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Bonds to issue.

406. (Section 1.) For the purpose of erecting and completing said school house of Bellevue School District, No. 4, the Board of School Trustees of the said school district shall issue bonds, not to exceed eight thousand dollars, of negotiable coupon bonds in denominations of one hundred and five hundred dollars, bearing interest at the rate of ten per cent. per annum.

Levy taxes.

407. (Sec. 2.) The Board of School Trustees shall meet on the first Monday in May, one thousand eight hundred and eighty-six, and shall make a levy, not to exceed one cent on the dollar on all taxable property in said school district. And the said levy so made shall be large enough to pay said bonds and interest as they become due annually; one thousand dollars of the principal and the interest on said bonds shall be paid annually on the first day of September of each year.

And the tax so levied shall be known as the Bellevue School House Bond Tax, and shall be used for the payment of said bonds, principal and interest, and all the taxable property of said school district is hereby pledged for the payment of said bonds and interest.

Assessor.

The Board of School Trustees shall appoint an Assessor for said school district, who shall hold his office for one

year, and he shall fill the office of Assessor and Tax Collector, and shall give bonds in double the amount of money to come into his hands, with good and sufficient securities. And said bond shall be approved by said Board of School Trustees. And he shall take the oath of office before entering upon the discharge of his duties, and when he shall have been so qualified, he shall have the same power to assess all property in said school district as the County Assessor has, at its cash value, not otherwise exempted from taxation, and the same power to collect the same tax as Assessors have in the collections of territorial and county taxes, and said Collector shall be entitled to and receive seven per cent. thereon, for assessing and collecting the same.

408. (Sec. 3.) The Assessor shall, on the first Monday in June, A. D. 1886, return his assessment roll to the Clerk of the Board of School Trustees of said district, who shall, on receiving the same, give ten days' notice in writing thereof posted in the conspicuous or public places in said school district, or by publication in a newspaper in their district, naming the object, day and hour and place, in said notice. The said Trustees shall meet and sit as a Board of Equalization of the assessment of their school district, and the laws that govern the equalization of the county assessment shall apply to said Board, and they shall have the power to raise or lower the assessment as they see fit, and the said trustees shall have power by giving thirty days' notice in writing posted in three conspicuous public places in their school district, or by publication in a newspaper in their district, to declare all unpaid special school bond taxes delinquent, and shall add five per cent. thereto, to be paid by such delinquent taxpayers.

Assessment roll.

Equalization.

409. (Sec. 4.) After the said Board of School Trustees have sat as a Board of Equalization, they shall return the assessment roll to the Assessor of their school district; who shall, on receiving the same, go on and collect the School House Bond Tax, as the County Assessor does the territorial and county taxes, and he shall have the same power to enforce the collection of said taxes as the County Assessor has in the collection of territorial and county taxes.

Collection of taxes.

410. (Sec. 5.) The Board of School Trustees of Bellevue School District No. 4 shall meet on the first Monday in May annually, after their first meeting in May, A. D. 1886, and shall carry out the provisions in Sections 2, 3 and 4 of this Act, until the Bellevue School House Bonds and interest are all paid off in full. The said bonds shall express on their face the amount, when due and rate of interest, and be signed by the Chairman of the said Board of Trustees, and attested by the Clerk of said Board of Trustees, and the said Board of School Trustees shall appoint one of their number as Treasurer. The said Treasurer shall number and register said bonds, showing when issued, when due, and the amount and number of interest coupons attached, and all bonds and coupons redeemed and paid shall be canceled by said Treasurer, and by him delivered to the Clerk of said Board of School Trustees, who shall destroy said bonds and coupons by burning them up, and shall record said bonds and coupons, number of and amount that has been redeemed and destroyed. One thousand dollars of the

Meeting of trustees

Bonds.

principal and the interest of said bonds shall be payable at the office of the Treasurer of Bellevue School District, No. 4, Alturas County, Idaho Territory, on the 1st day of September, A. D. 1886, and annually on the 1st day of September thereafter one thousand dollars of the principal shall become due, until the said School House Bonds, with interest thereon, are all paid in full.

Sale of bonds.

411. (Sec. 6.) The Board of Trustees of said school district shall, immediately after the passage of this Act, secure the engraving and printing of said bonds, and shall place the same in the hands of the said Treasurer, who shall advertise said bonds for sale and shall proceed to sell the same to the highest bidder for cash, but said bonds shall in no case be sold at a price below the face or nominal par value thereof.

Duty of treasurer.

412. (Sec. 7.) The said Treasurer shall have the custody of all funds arising from the sale of said bonds, and shall pay the same out only on proper warrants drawn upon said fund, by authority of said Board of School Trustees, to the person or persons in whose favor the same may be drawn. *Provided*, that no money or other compensation as fees, commissions or salary shall be charged, received or retained by said Treasurer, for any services required to be performed by him under the provisions of this Act, except such as may be otherwise provided by law. *And provided, further*, that no expense whatever incurred in carrying out the provisions of this Act shall be chargeable to or be paid out of any funds other than such as may arise from the engraving and printing and sale and paying the actual expenses or cash that the said Board of School Trustees may have actually expended.

Unexpended balances.

413. (Sec. 8.) All unexpended balances remaining in the hands or custody of said Treasurer shall, on completion of said school house and grounds belonging to said school district, be carried into Bellevue School District No. 4, and constitute a school fund for the use of the public school of Bellevue School District No. 4, Alturas County, Idaho Territory; and all moneys or funds remaining in the hands or custody of said Treasurer after the last bond and interest is paid, shall be carried into said fund by said Treasurer at once.

Effect of act.

414. (Sec. 9.) This Act is for the benefit of said school district alone, and all acts and laws and parts of acts that come in conflict with the provisions in this Act are null and void, as far as they conflict with the provisions in this Act.

RE-LOCATION OF THE COUNTY SEAT OF ALTURAS COUNTY.

AN ACT to provide for the re-location of the County Seat of Alturas County.

[Approved February 1, 1881.]

SECTION.

415. Special election.
416. Location of county seat.
417. Informality.

SECTION

418. Notice of election; Poll books, etc.
419. Removal of records; Buildings.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Election.

415. (Section 1.) A special election shall be held in the County of Alturas on the second Monday in September, A.

D. eighteen hundred and eighty-one (1881); which special election shall be conducted in the manner, and be governed by the laws relating to general elections.

416. (Sec. 2.) At said special election the question of the permanent location of the county seat of Alturas County shall be submitted to, and be voted upon by the qualified voters therein. The words "For County Seat" shall be written or printed on the ballot, and the town or place desired by the voter shall be written or printed opposite or under the words above mentioned and required.

Location of
county seat.

417. (Sec. 3.) In canvassing the vote on the location of the county seat, ballots shall not be rejected because of any error in orthography or informality therein, if it can be clearly ascertained from the ballot what was intended by the voter; but where two or more ballots are folded together, they shall not be counted, and upon the canvass of the vote by the Board of County Commissioners, the town or place receiving the highest number of votes shall be and is hereby established and confirmed as the permanent county seat of Alturas County. In case no choice is made at said special election, the question shall be again submitted at the next general election thereafter.

Informality in
ballots

Folded ballots.

Case of no choice
being made.

418. (Sec. 4.) The County Commissioners of said county shall cause notice to be posted in the manner provided in the general election laws of this Territory. They shall also cause suitable poll books and returns to be prepared and furnished to the judges of election of the several precincts in said county.

Notice of elec-
tion.

Poll books.

They shall appoint judges of election at their regular session last preceding the special election herein provided for. And within ten days after said election they shall act as a Board of Canvassers, and declare the result of said special election, and, if it shall be ascertained that any town or place has received a plurality of all the votes cast, such town or place is hereby declared to be the legally established county seat of Alturas County.

Judges of elec-
tion.

Board of can-
vassers.

419. (Sec. 5.) In case it shall be ascertained by said canvass of votes that the county seat is removed from Rocky Bar to any other town or place, it shall be the duty of the County Commissioners to cause the archives, records and funds of said county to be removed to the town or place chosen, within thirty days after the result of said special election shall have been ascertained. They shall have power to rent or otherwise secure suitable buildings or rooms for the use of the county officers, and for the preservation of the records, archives and moneys of said county.

Removal of
archives, etc.

Buildings for
county use.

TO PROVIDE FOR THE TRANSFER OF THE MONEYS IN THE HOSPITAL FUND OF ALTURAS.

AN ACT to provide for the annual transfer of the moneys in the Hospital Fund of Alturas, to the Current Expense and Redemption Fund.

[Approved January 8, 1873.]

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

420. (Section 1.) That on the first Monday in April, in each year, all moneys remaining in the Hospital Fund of

Alturas County, after all the outstanding warrants drawn on the said Fund in said county have been fully provided for, shall be transferred to the Current Expense and Redemption Fund, and shall be applied to the payments of outstanding warrants drawn on said Fund.

[As amended, Act December 16, 1876.]

TO PROVIDE FOR THE ERECTION OF A COURT HOUSE AND JAIL
AT HAILEY.

AN ACT providing for the erection of a Court House and Jail at Hailey, the County Seat of Alturas County.

[Approved February 8, 1883.]

SECTION

421. Court House; How constructed.
422. Court House bonds
423. Sale of bonds, Plans and specifications.

SECTION

424. Bids, Contractor to give bonds.
425. Bond tax.
426. Duty of Treasurer.
427. Unexpended balances.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Where erected.

Offices for.

How constructed.

Basement.

First floor.

Last story.

Issuance of bonds.

Denomination.

Rate of interest payable.

Principal due.

The bonds.

421. (Section 1.) There shall be erected on the public block, to wit: The south half of block numbered twenty-seven, of Hailey, according to the plat there of a County Court House and Jail, with suitable rooms for the accommodation of the District Court of said County of Alturas and the several county officers of said county, including jury room, Judges' chambers, and offices for the District Attorney, and Clerk of the District Court.

The foundation thereof shall be of durable stone, the walls of good brick, and the building constructed and finished of good material, under the direction of a competent builder.

The basement shall not be less than nine feet in the clear between the floor and ceiling, and the floor not more than three feet below the surface of the ground. So much of the basement as may be necessary shall be completed as a County Jail; the first floor above the basement shall not be less than twelve feet in the clear, between the floor and the ceiling, and shall be finished for necessary county officers. The offices of the Recorder and Auditor, of the Clerk of the District Court and Probate Judge shall be made fire-proof, or furnished with fire-proof vaults; and the office of County Treasurer shall be furnished with a fire-proof vault or safe. The last story shall be not less than fifteen feet in the clear between floor and ceiling, and shall be finished and completed for a Court Room and necessary jury and other rooms.

422. (Sec. 2.) For the purpose of erecting and completing said Court House, Alturas County shall issue forty thousand dollars of negotiable coupon bonds, in denominations of five hundred and one thousand dollars, bearing interest at the rate of six per cent. per annum, payable January 1st of each year; the principal to become due and payable November 1st, A. D. one thousand eight hundred and ninety-one. The bonds shall express on their face the amount, when due, and rate of interest, and shall be signed by the Chairman of the Board of County Commissioners of said county, attested by the Clerk of said Board, with its seal, and shall be countersigned by the Treasurer of said

county. The said Treasurer shall number and register said bonds, showing when issued, when due, and the amount and number of interest coupons attached; and all bonds and coupons redeemed and paid shall be canceled by the Treasurer and by him delivered to the Clerk of said Board. Principal and interest of said bonds shall be payable at the office of the County Treasurer of Alturas County.

423. (Sec. 3.) The Board of County Commissioners of said county shall, immediately after the passage of this Act, secure the engraving and printing of said bonds, and shall place the same in the hands of the County Treasurer, who shall advertise said bonds for sale, and shall proceed to sell the same to the highest bidder for cash (but such bonds shall in no case be sold at a price below the face or nominal par value thereof); *Provided*, that not more than one-half of said bonds shall be sold until complete plans and specifications for the construction of said building shall have been made by a competent architect and accepted by said Board of County Commissioners, and contracts let for the completion of said work, according to such plans and specifications by said Board; *And provided, further*, that such plans and specifications shall not cost to exceed the sum of five hundred dollars.

Engraving and printing.

Bonds advertised for sale.

Price of bonds.

Plans and specifications, cost of.

424. (Sec. 4.) Immediately after the plans and specifications, the said Board shall advertise for bids for the erection, completion and furnishing of said building, according to said plans and specifications, reserving the right to reject any and all bids. All bids shall be opened publicly at the time stated in published notice, not more than forty days from the date of advertisement. If no bid is accepted said Board shall thereupon re-advertise, and so continue until some bid is accepted and contract let. Bids and contracts may be for the whole building, or in parcel. The Board shall require all contractors to give good and sufficient bond, with sufficient sureties, to secure the faithful performance of the contract, and shall reserve at least thirty per cent. of the amount to become due on any and all contracts until the same are fully completed and accepted. No member of said Board shall be interested in any contract herein provided for.

Advertise for bids.

Re-advertise.

Contractors to give bonds.

425. (Sec. 5.) The Board of County Commissioners of said county shall, at the time of levy of county taxes, include therein a levy of sufficient tax to meet the interest and principal of said bonds as the same shall become due. And the tax so levied shall be known as the Court House Bond Tax, and shall be collected as other taxes are collected, and shall constitute a separate fund, and shall be used for no other purpose. And for the payment of said bonds, principal and interest, all the taxable property of said county is hereby pledged.

Levy of tax.

426. (Sec. 6.) The County Treasurer shall have the custody of all funds arising from the sale of said bonds, and shall pay the same out only on proper warrants drawn upon said fund by authority of said Board of County Commissioners to the person or persons in whose favor the same may be drawn; *Provided*, that no money or other compensation, as fees, commissions or salary, shall be charged, received or retained by said Treasurer for any service

Custody of all funds.

Warrants.

required to be performed by him under the provisions of this Act, except such as may be otherwise provided by law; *And provided, further*, that no expense whatever incurred in carrying out the provisions of this Act shall be chargeable to, or be paid out of, any funds other than such as may arise from the sale of said bonds.

Balance of fund,
after completion.

427. (Sec. 7.) All unexpended balances remaining in the hands or custody of said Treasurer shall, on completion of said building, be carried into the General Fund of said county.

TO PROVIDE FOR BRANCH COUNTY JAILS.

AN ACT to provide for Branch County Jails in Alturas County.

[Approved January 22, 1881.]

SECTION
428. Branch jails; How established.
429. Size and cost.
430. Who confined in.

SECTION
431. Care and custody of.
432. Discipline.
433. Jail at Bellevue.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

How to be
established.

428. (Section 1.) The Board of County Commissioners of Alturas County are hereby empowered to establish a branch County Jail in any town or place in said county; *Provided*, that the town or citizens of the place where such branch jail is proposed to be established shall pay such part of the expense of construction as may be required by the Board of Commissioners. And it shall be competent for the Board to order the part chargeable to the county to be paid out of the general fund of the said county.

Size and cost.

429. (Sec. 2.) The Board shall make any order or regulation that they may deem advisable as to the size and cost of such branch jail; and the same shall be the property of the county.

Persons con-
fined in.

430. (Sec. 3.) Any person liable to imprisonment in the county jail of said county may be confined in the nearest jail; *Provided*, that any person so imprisoned in any branch jail, who has been held to answer before the grand jury, shall be removed to the jail at the County Seat at least fifteen days before the next term of the District Court, unless so committed within said fifteen days, in which case he shall be so removed at once.

Care and
custody.

431. (Sec. 4.) The Sheriff and his deputies at the town or precinct wherein such branch jail is situated, or in their absence the constable of the precinct, shall have the care and custody of the jail and the charge of the prisoners therein confined, and the Board shall fix the rate of charges for maintaining, attending and guarding such prisoners; *Provided*, such charges shall in no case exceed the rate allowed at the jail at the County Seat.

Discipline.

432. (Sec. 5.) Prisoners in the branch jails shall be under the same rules and discipline as those confined in the jail at the County Seat.

Jail at
Bellevue.

433. (Sec. 6.) The branch jail already established and erected at Bellevue in said county, is hereby legalized, and the provisions of this Act shall apply thereto.

TO PROVIDE FOR THE REDEMPTION OF OUTSTANDING WARRANTS.

AN ACT to Provide a Fund for the redemption of, and prescribing the manner of redeeming the outstanding Warrants drawn upon the Treasurer of Alturas County, and further to provide for the payment of all Current Expenses of said Alturas County.

[Approved January 15, 1869.]

SECTION

434. Commissioners levy taxes.
435. Current Expense and Redemption Fund.

SECTION

436. General Fund,
437. License fees, to what Fund.
438. Current expenses, how paid.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

434. (Section 1.) The Board of County Commissioners of Alturas County may, and they are hereby, authorized to levy, if in their opinion they deem it expedient or necessary, in addition to the other taxes provided by law, a special tax of not more than forty cents on each one hundred dollars of all the taxable property in said county. Said tax shall be collected as other taxes are collected, and at the same time and in the same manner, and paid into the County Treasury for county purposes.

Commissioners
levy tax.

[As amended, Act January 5, 1875.]

435. (Sec. 2.) All taxes levied and collected for county purposes, except as provided in this and other laws, shall be paid into and constitute a fund to be called "The Current Expense and Redemption Fund."

Current expense
and redemption
fund.

[As amended, Act January 5, 1875.]

436. (Sec. 3.) Fifty cents on each one hundred dollars of the taxable property of said county, levied for county purposes, shall constitute the General Fund of said county, and fifty cents the Alturas County Court House and County Building Fund.

General fund.

[As amended, Act January 5, 1875.]

437. (Sec. 4.) All revenue collected from the following sources in said county, for county purposes, to-wit: from merchandise and liquor license, peddler's license, and all other licenses now or hereafter to be provided for by law, all fines and forfeitures, all receipts from toll bridges and ferries, and all poll-taxes collected for county purposes, shall be paid into and constitute a part of the Current Expense and Redemption Fund.

License fees
to what fund.

[As amended, Act January 5, 1875.]

438. (Sec. 5.) All the current expenses of Alturas County shall be paid out of said Current Expense and Redemption Fund in cash, and any money remaining in said Fund on the first Monday of February, May, August and November shall be set apart by the Treasurer of said county for the redemption, as provided by law, of all county warrants of said county issued prior to the passage of this Act on any fund whatever in the County Treasury.

Current ex-
penses, how
paid.

THE AUDITOR OF ALTURAS COUNTY TO ISSUE NEW WARRANTS IN LIEU OF CERTAIN OLD ONES.

AN ACT authorizing the Auditor of the County of Alturas to issue new Warrants in lieu of certain old ones.

[Approved February 1, 1881.]

SECTION

439. When Auditor to issue new warrants; in whose name, date, interest and number.

SECTION

440. Form of new warrant.

441. Blanks for new warrants.

442. Disposal of old warrants.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

When auditor required to issue new warrants.

In whose name issued.

Date.

Denomination.

Interest.

How numbered.

Form.

439. (Section 1.) The Auditor of Alturas County is hereby directed and required to issue new county warrants of said county in lieu of the outstanding warrants upon the Alturas County court house and county building fund, whenever such outstanding warrants shall be presented and surrendered to him for that purpose. Such new warrants shall be issued in the name of the person so presenting and surrendering the old warrants; shall be dated the day they are so issued, and shall be issued in the sum of two hundred dollars each, and such fractional portion of said sum as shall be necessary to equal the principal due upon the warrant or warrants, surrendered by any person; they shall equal, but not exceed, in the aggregate, the original sum or face value of the warrants in lieu of which they are issued, and shall specify that interest at the rate of ten per cent. per annum is to be paid upon the principal thereof, from the date of the old warrant upon which they are issued. They shall be numbered consecutively, beginning with the No. 1; be drawn upon said fund, and be registered in the same order, and be due and payable at the same time and in the same manner as the old warrants in lieu of which they are issued.

440. (Sec. 2.) Such new county warrants shall be substantially in the following form:

No.....

County Auditor's Office,
Rocky Bar, Idaho Territory,

.....188

The Treasurer of Alturas County, Idaho Territory, will pay to..... or bearer, the sum of..... dollars, with interest on that sum at the rate of ten per cent. per annum from (date of old warrant) out of the Alturas County court house and county building fund, issued under Act of the Legislative Assembly of Idaho Territory. Approved..... 1881 upon surrendered warrant No...

..... Auditor of Alturas County.

Blanks.

How paid for.

Disposal of old warrants re-deemed.

441. (Sec. 3.) The said Auditor shall cause suitable blanks for such new warrants to be printed, and the expense thereof shall be audited and allowed by the Commissioners of said county.

442. (Sec. 4.) Said Auditor shall write the words "Redeemed by issuance of new warrants," across the face of each warrant surrendered to him, and deliver the same to

the County Treasurer, who shall make the same entry in the registry thereof; and at the meeting of the Board of Commissioners, he shall deliver the same to said Board, who after examining the same, and the registry thereof, shall destroy them by burning and make an entry of the fact in their record.

AUDITOR OF ALTURAS COUNTY TO ISSUE WARRANTS.

AN ACT to authorize the Auditor of Alturas County to issue Warrants on the Current Expense and Redemption Fund in lieu of certain old ones drawn upon the road fund.

[Approved February 11, 1881.]

SECTION

443. Issue of new warrants, How issued, Amount

SECTION

444. Disposal of old warrants.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

443. (Section 1.) The Auditor of Alturas County is hereby directed and required to issue new county warrants of said county, against the Current Expense and Redemption Fund of said county, in lieu of the outstanding warrants heretofore drawn upon the road funds of any district in said county.

Issue of new warrants in lieu of old ones.

Whenever such outstanding warrants shall be presented and surrendered to him for that purpose, such new warrants shall be issued in the name of the person so presenting and surrendering the old warrants; shall be dated the day they are so issued, and shall be numbered in their order, and shall be for the amount of the principal due on said outstanding warrants, without including interest on said warrants.

How issued.

Amount.

444. (Sec. 2.) Said Auditor shall write the words "Redeemed by issuance of new warrants upon the Current Expense and Redemption Fund" across the face of each warrant surrendered to him, and deliver the same to the County Treasurer, who shall make the same entry in the registry thereof, and at the next meeting of the Board of Commissioners he shall deliver the same to said Board, who, after examining the same and the registry thereof, shall destroy them by burning, and make an entry of the fact in their record.

Disposal of old warrants.

DEFINING THE DUTIES OF THE TREASURER OF ALTURAS COUNTY.

AN ACT defining the Duties of the Treasurer of Alturas County.

[Approved February 1, 1881.]

SECTION

445 Notice of redemption; how given.
446 What to contain.

SECTION

447 Neglect of duty by Treasurer.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

445. (Section 1.) The Treasurer of the County of Alturas, in this Territory, so soon as there shall be sufficient funds in the treasury of the county to redeem the orders or war-

Treasurer to give notice of redemption of warrants

rants drawing interest, the Treasurer shall give notice in some newspaper in his county, or if no newspaper be printed in his county, then in some newspaper published at the Capital of the Territory, and by written or printed notices posted upon the court house door, stating therein that he is ready to redeem said orders or warrants; and from the date of such notice said orders or warrants shall cease to bear interest.

Notice what to contain.

446. (Sec. 2.) Said notice shall give the number, date, name of payee, on what fund drawn and payable, date of registration, and amount of such warrant or warrants; *Provided*, that the expense of publication shall be allowed and audited as other accounts are allowed and audited against said county, to be paid out of the "Current Expense and Redemption Fund" of said county.

Expense of publication, how paid.

Penalty for neglect of duty.

447. (Sec. 3.) If any County Treasurer of said County of Alturas, or his deputy, shall willfully neglect or refuse to perform any of the duties enjoined on him by the provisions of this Act, he shall be guilty of a misdemeanor in office, and on conviction thereof, shall be punished by a fine not less than two hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, and shall be forthwith removed from office.

PART V.

SPECIAL AND LOCAL ACTS APPLICABLE TO BEAR LAKE COUNTY.

AN ACT creating and organizing the County of Bear Lake.

[Approved January 5, 1875.]

SECTION

448. Boundaries and location County Seat

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

448. (Section 1.) That all that portion of the County of Oneida, commencing at the twenty-third mile post on the boundary line between Utah and Idaho Territories, and running thence northerly along the summit of the range of mountains between Cache valley and Bear Lake valley to the corner of townships nine and ten south of range forty-one east; thence east twelve miles; thence north to the summit of the divide between the waters of Bear river and the waters of Blackfoot river; thence easterly along said last named summit to the line between Wyoming and Idaho Territories; thence south on said last named line to the south-east corner of Idaho Territory; thence west to the place of beginning; be, and the same is hereby organized into a new county to be called the County of Bear Lake, and the County Seat of said County of Bear Lake is hereby fixed at the Town of Paris.

Boundaries.

County seat.

CONTINGENT FUND FOR THE COUNTY OF BEAR LAKE.

AN ACT creating a Contingent Fund for the County of Bear Lake, in Idaho Territory.

SECTION

449. Payment of salaries and fees.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

449. (Section 1.) That there be set apart from the General Fund of Bear Lake County the sum of forty cents on each dollar for the purpose of paying salaries, fees and expenses of the county officers of Bear Lake County, and all other incidental or necessary expenses not otherwise provided by law.

Expense of
county officers.

450. (Sec. 2.) This Act to take effect and be in force from and after its approval by the Governor.

[Passed both Houses of the Legislative Assembly and became a law, notwithstanding the Governor's objections, February 9th, 1881.]

PART VI.

SPECIAL AND LOCAL ACTS APPLICABLE TO BINGHAM COUNTY.

AN ACT to create Bingham County and for other purposes.
[Approved January 13, 1885.]

SECTION

484. Boundaries.
485. Oneida County boundary.
486. Indebtedness apportioned.
487. Warrants to be drawn.

SECTION

488. Officers appointed by Governor.
489. Recorder to transcribe records.
490. Court papers to be transferred.

Be it enacted by the Legislative Assembly of Idaho Territory, as follows:

Boundaries.

484. (Section 1.) All that portion of Idaho Territory comprised within the following boundaries, to wit: Beginning at the point where the northern boundary of Idaho Territory intersects the western boundary of Wyoming Territory, thence running westerly along the northern boundary of Idaho Territory to the north-east corner of Lemhi County, thence along the eastern boundaries of Lemhi and Alturas Counties to Snake river; thence down Snake river to the mouth of Port-neuf river; thence up Port-neuf to what is known as the point of the mountain, about four miles north-west of Pocatello; thence southerly in a straight line to the top of the range; thence along the crest of the mountains between Malad and Marsh valleys to a point on top of the range, due west of a point one mile south of the present southern boundary of the town site of Oxford; thence due east to the Bear Lake County line; thence northerly and easterly along the line of Bear Lake County to the line of Wyoming Territory; thence north to the place of beginning; is hereby constituted a county to be called the County of Bingham, the same to be organized as hereinafter provided and directed, and the County Seat of said county is hereby established at the Town of Blackfoot.

Oneida county.

485. (Sec. 2.) All that portion of Idaho Territory not embraced by the above boundary and within the present limits of Oneida County, is established as the County of Oneida.

Indebtedness
apportioned.

486. (Sec. 3.) The present indebtedness of Oneida County shall be apportioned between the Counties of Oneida and Bingham, in the same proportion that the taxable property of said counties bear to each other as shown by the assessment roll of the year A. D. 1884, and J. M. McCollum and Charles Bunting are hereby appointed special Commissioners, and it shall be their duty to ascertain such proportion and the exact amount of such indebtedness, and they shall meet as soon as practicable after the passage of this Act and ascertain the exact amount of such debt to be paid by each of said counties, and shall certify the same to the Boards of Commissioners of said counties, and they shall be

paid a reasonable sum for their services; [the account of said J. M. McCollum to be allowed by the Commissioners and paid out of the Treasury of Oneida County, the account of Charles Bunting to be allowed by the Commissioners and paid out of the Treasury of Bingham County].

487. (Sec. 4.) Immediately after the filing of the certificates of the proportion of indebtedness by the special Commissioners named in the preceding section, the Auditor of Bingham County shall, under the supervision of the Board of County Commissioners of said county, draw his warrants in sums of five hundred dollars each, and not transferable, and bearing interest at ten per cent. per annum, in favor of Oneida County, to the full amount of the indebtedness apportioned to Bingham County, and shall deliver them to the Treasurer of Oneida County. And it shall be the duty of the Board of County Commissioners of Bingham County, on or before the first Monday in December of each year, to set apart the sum of at least fifteen thousand dollars out of the revenues of Bingham County, and cause the same to be paid over to the Treasurer of Oneida County, until the full amount of warrants drawn, as in this Act provided, with their accrued interest, shall be paid off; and the money so received shall be, by the Board of County Commissioners of Oneida County, applied to the payment of the warrants of Oneida County outstanding at the date of the passage of this Act; *Provided*, that the indebtedness apportioned to Bingham County shall be credited and reduced as soon as ascertained by the sum of five thousand dollars on account of the public buildings now in Oneida County.

Warrants to be drawn.

488. (Sec. 5.) It is made the duty of the Governor of the Territory of Idaho, within ten days after the approval of this Act, to appoint and commission in Bingham County, three County Commissioners, one Sheriff, one District Attorney, one Assessor and Collector, one Auditor and Recorder, one Probate Judge, one Treasurer, one Surveyor and one Coroner; and within the same time he shall appoint in Oneida County two County Commissioners, one Sheriff, one District Attorney, one Assessor and Collector, one Surveyor and one Coroner; and these offices are by this Act declared vacant in said Oneida County, the incumbents of the same being residents of what is hereby constituted Bingham County, and the persons so appointed shall hold their offices until the next general election, and until their successors are duly elected and qualified, succeeding such general election.

Officers appointed by Governor.

489. (Sec. 6.) The County Recorder of the County of Oneida is hereby required to transcribe and to complete within six months from the approval of this Act, into suitable books to be provided by the Recorder of Oneida County and paid for by Bingham County, such parts of the records of Oneida County as relate to the real or personal property situated within the County of Bingham as created by this Act; and the same when so transcribed shall be delivered to the County Recorder of Bingham County, and shall be of the same force and effect as notice, and shall in all Courts be received in like manner, and certified copies therefrom with like effect as evidence, as if the original or certified copies

Recorder to transcribe records.

thereof were produced in said Courts; and he shall be allowed for such transcript at the rate of twenty-five cents per folio, to be paid out of the Treasury of Bingham County. But this section shall not be construed to authorize the transcribing of any of the following records, to-wit: records of stock brands or chattel mortgages recorded prior to January 1, A. D. 1882, or mining claims recorded prior to January 1, 1882, or mortgages of real property recorded prior to January 1, 1880, or any record of what is known as pre-emption or squatter's claims on the public lands, or any records of the District Court other than those in actions now pending; and if any of said records herein described shall be copied or transcribed, the County Commissioners of Bingham County shall be and are hereby prohibited from paying anything therefor.

[As amended, Act February 5, 1885.]

Court papers to
be transferred.

490. (Sec. 2.) The Judge of the District Court of the district wherein Oneida County is situated, may, by order made in Chambers and filed with the Clerk of said Court in Oneida County, direct said Clerk to transfer all papers and files in his office in cases pending and undetermined in said Court where the defendant may reside in Bingham County, to such person as said Judge may designate in Bingham County; and said Judge shall direct what portion of the records of the District Court shall be transcribed, and none other shall be copied or transcribed, and said Judge may also, by order to the Sheriff of Oneida County, direct the transfer of such prisoners now in the jail of Oneida County, as are properly triable in Bingham County, to the Sheriff of said Bingham County.

[Act February 5, 1885.]

THE COUNTY COMMISSIONERS OF BINGHAM COUNTY TO ISSUE AND NEGOTIATE BONDS.

AN ACT to authorize the County Commissioners of Bingham County to issue and negotiate Bonds, and for other purposes.

[Approved February 4, 1885.]

SECTION

491. Bonds to be issued.
492. Engraving and sale of bonds.
493. Money set apart to pay bonds.

SECTION

494. Where payable.
495. Treasurer to give separate bonds.

Bonds to be
issued.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

491. (Section 1.) The Board of County Commissioners of Bingham County are hereby authorized at their discretion to issue negotiable coupon bonds of their county in the sum of seventy thousand dollars, in denominations of five hundred dollars each, bearing interest at the rate of eight per cent. per annum, payable semi-annually, on the first day of January and July of each year; and the principal of seven thousand dollars of said bonds shall mature and become due and payable on the first day of January, A. D. eighteen hundred and ninety-five, and seven thousand dollars annually thereafter until all are paid; and the length of time that each of said bonds run shall be expressed on the face thereof, and each shall have attached, when nego-

tiated, semi-annual interest coupons covering the interest thereon at the rate aforesaid, from the first day of January or first day of July next after its sale until its maturity, as expressed upon said bonds, and no more; said bonds shall be signed by the Chairman of the Board of County Commissioners, and attested by the Clerk of the Board and its seal, and countersigned by the Treasurer, and the Treasurer shall number said bonds consecutively, and register the same in a book kept in his office for that purpose, which shall be a public record, and which shall show the amount, dates of negotiation and maturity of each, and the number of coupons attached to each when negotiated; and the Treasurer shall cancel each coupon detached from each bond before it is negotiated, and each bond and coupon redeemed, in the presence of the Board of County Commissioners at their next meeting after any such coupon is so detached or any coupon or bond is so redeemed.

492. (Sec 2.) The Board of County Commissioners of said county may, in their discretion, immediately after the passage of this Act, secure the proper engraving and printing of the bonds authorized by this Act, and proceed (or the County Treasurer under their direction) to issue and negotiate and sell the same for cash, and the proceeds shall be placed in the County Treasury and shall be applied to the payment of the outstanding indebtedness of Bingham County; and if any surplus remain after paying off all of such indebtedness, may be apportioned and used under the direction of the Board of County Commissioners in such manner as they may deem proper; *Provided*, that no bonds issued under the provision of this Act shall be negotiated or sold at less than their par or face value.

Engraving and
sale of bonds

493. (Sec. 3.) At their meeting, in April in each year, after the issuance of said bonds, said Board of County Commissioners shall make an order setting apart not less than ten per cent., nor more than forty per cent. of all moneys to be collected for county purposes, during the ensuing fiscal year, for the payment of the accruing interest and the principal of said bonds, when the same may fall due, and the sum so set apart shall constitute a fund to be known as the Redemption Fund, and for the payment of the interest and principal of said bonds according to the terms thereof, all the taxable property of the County of Bingham, is solemnly and irrevocably pledged.

Moneys set
apart to pay
bonds.

494. (Sec. 4.) The principal and interest of all bonds issued under the provisions of this Act shall be paid, according to the terms thereof, by the Treasurer of the County of Bingham, at such place as may be designated previous to their being issued by the Board of County Commissioners of said county.

Where payable.

495. (Sec. 5.) The County Treasurer shall have the custody of all funds realized from the sale of said bonds, and shall pay the same out, as directed by the Board of County Commissioners, and he shall execute a separate bond, in such sum as may be deemed necessary by the County Commissioners, for the faithful performance of the duties required of him by this Act, and shall receive one per cent. of all funds realized from the sale of said bonds as compensation for all services required of him by this Act.

Treasurer to
give separate
bond.

TO PROVIDE FOR THE ERECTION OF A COURT HOUSE AND JAIL
AT THE COUNTY SEAT OF BINGHAM COUNTY.

AN ACT to provide a Fund for the erection of a Court House and Jail, at the County Seat of Bingham County, and for other purposes.

[Approved January 29, 1885.]

SECTION

496. Bonds to be issued
497. Bonds, number and amount to be certified
498. Engraving of bonds.

SECTION

499. Tax for payment.
500. Redemption of bonds.
501. Erection of buildings; plans.
502. Temporary building.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Bonds for to
be issued.

496. (Section 1.) The County Commissioners of Bingham County are hereby authorized and empowered to issue bonds of said Bingham County, in any sum not exceeding twenty thousand dollars, payable on the first day of January, one thousand eight hundred and ninety-five, but redeemable as hereinafter provided, after the first day of January, one thousand one hundred and ninety, said bonds to be issued each in the sum of five hundred dollars, and bearing interest at the rate of seven per cent. per annum, payable semi-annually, on the first day of January and July of each year, from date until paid. Said bonds shall be numbered consecutively from one upward, and shall have attached interest coupons, expressing the semi-annual interest thereon, and they shall be sold for cash at not less than their par value, and the money realized from the sale of said bonds shall be, and constitute a fund which shall be expended by said Board of County Commissioners, as hereinafter provided, for the erection of a suitable court house and jail, at the Town of Blackfoot, the County Seat of said Bingham County. *Provided*, that said County Commissioners shall not issue said bonds until they shall have first acquired by donation from the citizens of Blackfoot, or other person or persons, the title in fee, running to said Bingham County, of a tract of land, in a suitable and convenient location at said County Seat, comprising not less than one acre of ground, upon which to erect the court house and jail provided for in this Act.

Bonds, number
and amount to
be certified.

497. (Sec. 2.) That the said Board of County Commissioners at the time of issuing said bonds shall certify to the Auditor and Recorder of said Bingham County; the date, amount, number maturity, when payable and where payable, and the rate of interest, and when and where payable, of such bonds, and the said Auditor and Recorder of said county, upon the receipt of said certificate, shall, in a book to be provided by said County Commissioners, and kept by him for that purpose, make a faithful registration of the same.

Engraving of
bonds.

498. (Sec. 3.) The County Commissioners of said Bingham County, are authorized, out of the current expense fund of said county, to provide for the suitable engraving of the bonds and coupons contemplated by this Act, and said bonds shall be signed by the Chairman of said Board of County Commissioners, and the County Auditor and Recorder of said County shall countersign the same.

499. (Sec. 4.) Said bonds and their interest coupons shall be payable on presentation at the office of the County Treasurer of said county, and it shall be the duty of the County Commissioners of said county to cause to be levied annually a special tax of not exceeding fifty cents on each one hundred dollars of the taxable property of said county, to pay the accruing interest on such bonds and the principal thereof when due.

Tax.

500. (Sec. 5.) At any time after the first day of January, one thousand eight hundred and ninety, the County Commissioners of said county may call in and redeem any or all of said bonds; for the purpose of calling in said bonds, they shall cause notice to be published for four consecutive weeks in such newspaper or newspapers as they may designate, which notice shall specify the number or numbers of the bonds to be called in, and the amount thereof, and said bonds shall cease to bear interest at the end of sixty days from the first publication of said notice, and said bonds may be called in from time to time after the first day of January, one thousand eight hundred and ninety, whenever there is sufficient money in the special fund created by this Act to redeem one or more of said bonds.

Redemption of
bonds.

501. (Sec. 6.) The County Commissioners of said county shall cause to be erected at the County Seat of said Bingham County, a court house and jail, not to exceed in cost, together with the necessary furniture, the sum of twenty thousand dollars, said court house and jail to be erected on such plan and under such specifications as may be adopted by the Board of County Commissioners, but they shall not pay to exceed two hundred and fifty dollars for such plans and specifications.

Erection of
building, plans
of.

502. (Sec. 7.) Until the said court house and jail contemplated by this Act is completed and ready for occupancy, the said Board of County Commissioners of said county are hereby authorized to procure for the use of the several officers of said county, and for the purpose of holding the terms of the District Court therein, temporary apartments therefor.

Temporary
buildings

Stallions and other animals running at large in Bingham and other counties. See Part II, Secs. 117 to 120.

PART VII.

SPECIAL AND LOCAL ACTS APPLICABLE TO BOISE COUNTY.

AN ACT organizing and defining the Boundaries of Boise County.

[Approved February 4, 1864.]

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Boundaries.

503. The following portion of Idaho Territory is organized into the County of Boise, to wit: Commencing in the middle of the channel of Boise river, opposite the mouth of Moore's creek, and running up the middle of the channel of said Boise river to the junction of the north fork of said river; thence up the middle of the main channel of said north fork of Boise river, to where the same shall intersect latitude forty-four and a half; *Provided*, that should the said north fork of Boise river not extend to, or intersect, said line of latitude forty-four and a half, the line shall extend and run in a due north course from the head waters of the main branch of the said north fork, to where it shall intersect the said latitude, thence due west along the line of latitude forty-four and one-half degrees to the eastern line of Washington County, thence southerly along the easterly line of Washington County, and south and south-easterly, along the easterly line of Ada County to the place of beninning. [As amended, Acts January 12, 1866; February 20, 1879, and January 31, 1883.]

DEFINING THE BOUNDARY LINE BETWEEN IDAHO AND BOISE COUNTIES.

AN ACT defining the Boundary Line between Idaho and Boise Counties.

[Approved January 15, 1887.]

SECTION

504. Boundary line between Boise and Idaho Counties.

SECTION

505.—Repealing clause.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Boundary
between Idaho
and Boise
Counties.

504. (Section 1.) That the following line shall be and constitute the boundary line between Idaho and Boise Counties: Commencing at a point on the east line of Washington County, and nearest to the divide between the source of Goose creek and the source of Secesh creek, and running thence in an easterly and south-easterly direction, following the divide which separates the waters of the Payette river, and its tributaries, from the waters of the Salmon river, and its tributaries, to the line of Custer County.

Repealing
clause.

505. (Sec. 2.) All Acts in conflict with this Act, are hereby repealed.

506. (Sec. 3.) This Act shall be in force from and after its passage, and approval by the Governor.

ROADS AND HIGHWAYS IN BOISE COUNTY.

AN ACT concerning Roads and Highways in Boise County.
[Approved January 10, 1873. Effect January 1, 1874.]

SECTION	SECTION
513 Road districts	518 Certificate of roads repaired
514 Notice for proposals to be given	519. Road-tax
515. Contracts awarded	520 Tax collector
516 Bids may be rejected	521. Receipt for road tax
517 Contractor keep roads in repair.	522. Amounts allowed to be audited

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

513. (Section 1.) The Board of County Commissioners of Boise County, are hereby authorized and required to divide said county into a number of Road Districts, not less than seven, nor more than twelve, for the purpose of the improvement and keeping in repair the public roads and highways of said county, as hereinafter provided.

Road Districts.

514. (Sec. 2.) The Board of County Commissioners of said county shall, at least four weeks prior to the time when this Act shall take effect and be in force, and after the division provided for in Section 1 of this Act, shall have been made, cause notice to be published in some newspaper published in said county, for at least three weeks, for sealed proposals to be received by said Board, for keeping in repair and improving the public roads and highways in said county for the respective districts; and each proposal or bid so submitted to the Board shall be accompanied with a bond conditioned for the faithful performance and duties of the contract, which may be made and entered into by and between the person making the proposal or bid, and the Board of Commissioners, in a sum not less than double the amount bid and stated in said proposal, for the improvement and keeping in repair of the roads and highways within the district proposed, the said bond to be secured by two or more sureties, who shall justify in the same form and manner as is required on bonds of County officers.

Notice for proposals to be given.

515. (Sec. 3.) At the time to be stated in the notice, the Board of Commissioners shall open and examine the proposals or bids, together with the bonds therewith, and accord to the lowest bidder the contract for the respective district; *Provided*, if two or more are for equal amounts, the Board shall have the discretion to choose between them.

Contracts awarded

516. (Sec. 4.) The Board of County Commissioners may in its discretion accept or reject any or all of such bids or proposals, when it appears to the satisfaction of the Board that such bid or bids are of an exorbitant character, or that the best interests of the county would be subserved by such acceptance or rejection, as the case may be.

Bids may be rejected.

[Act December 22, 1876.]

517. (Sec. 5.) Any person or persons contracting as provided in this Act, shall cause all roads and highways within their respective districts to be kept clear of obstruction and in good repair; causing banks to be graded, bridges and causeways to be made when the same may be necessary to keep the same in good repair, and rebuild them when destroyed; and they shall have the same right and privilege to take and use the material for such purpose as is allowed

Contractors to keep roads in repair.

to Supervisors by the Act of January 30th, 1864, and for any neglect in the performance of the duties, or infraction of the contract made and required by this Act, the party or parties so contracting shall be held responsible on said bond, the same as county officers in said county, before any court of competent jurisdiction.

Certificate of
roads repaired.

518. (Sec. 6.) No warrant shall be drawn in favor of any person awarded a contract under the provisions of this Act, until such person shall have procured from at least one member of the Board of County Commissioners and filed with the Recorder and *ex-officio* Clerk of the Board, a certificate to the effect that such contractor has kept in repair and improved the public roads and highways embraced in his contract.

Road tax.

519. (Sec. 7) There shall be levied and collected on all able bodied men in each district, a road tax of not more than three dollars, the same to be collected by the Tax Collector of said county, in the same manner as other per capita taxes are levied and collected, and under the same process for the enforcement of the payment thereof.

Tax Collector.

520. (Sec. 8.) The Tax Collector collecting such road tax, shall pay into the County Treasury monthly, the amount collected, retaining ten per cent. thereof, in full compensation for his services, and said moneys shall constitute a road fund for the improvement and repair of public roads and highways in said county.

Receipts for
road tax.

521. (Sec. 9.) The Auditor and Recorder of said county shall prepare blank receipts for road taxes, and after numbering and signing the same, forward a number equal to the probable number of inhabitants in said county liable to pay road tax, to the Chairman of the Board of County Commissioners of said county, who shall sign them, or so many of them as may be required, and make an entry thereof in a book to be kept for that purpose; said receipts upon being so signed shall be by the said Chairman of the Board of County Commissioners, placed in the hands of the Auditor and Recorder, and by him delivered to the Tax Collector, taking his receipt therefor.

Amounts
allowed to be
audited.

522. (Sec. 10.) The several amounts allowed to the contractors in the several and respective districts of said county, and under the provisions of this Act, shall be audited and allowed as other claims against the county, by the Board of County Commissioners at their regular meetings, and shall be paid quarterly.

523. (Sec 11.) All Acts or parts of Acts conflicting with the provisions of this Bill are hereby repealed.

POWERS OF THE BOARD OF COUNTY COMMISSIONERS OF BOISE COUNTY, RELATING TO ROAD CONTRACTS.

AN ACT to extend the powers of the Board of County Commissioners of Boise County, relating to Road Contracts.
[Approved January 6, 1881.]

SECTION

524. Neglect of Road contractor; Power of Board

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

524. (Section 1.) The Board of County Commissioners of

Boise County, upon learning that any of the public roads are not repaired and kept in order by anyone contracting to do so, shall have the power, and shall cause the same to be done by placing labor thereon; and such expense shall be retained from any amount that may be due him on his contract, and should that be insufficient or nothing be due thereon, the deficiency or whole amount (as the case may be), shall be collected from his bondsmen, as other liabilities.

Powers relating
to road
contracts.

(Sec. 2.) All Acts and parts of Acts in conflict with the provisions of this Act, are hereby repealed.

TO PROVIDE FOR THE PAYMENT OF OUTSTANDING WARRANTS.

AN ACT to provide for the payment of outstanding Warrants of Boise County, and the payment of the current expenses of said County.

[Approved January 13, 1883.]

SECTION

525. County Tax
526. Tax, where paid.
527. School fund, Special tax
528. Gambling license
529. Poll-tax, General fund.
530. General fund.

SECTION

531. Hospital fund.
532. Road fund
533. Transfer of funds
534. Warrants.
535. Current expense, How paid

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

525. (Section 1.) The Board of County Commissioners of Boise County are hereby authorized and directed to levy and collect annually all the one hundred and fifty cents (provided by the laws of this Territory), upon each one hundred dollars of all taxable property in said county for county purposes.

County tax.

526. (Sec. 2.) From and after the passage of this Act, all taxes collected for county purposes in said county from any and all sources, shall be paid into the County Treasury and distributed to four funds only, to wit: General Fund, School Fund, Road Fund and Hospital Fund.

All taxes collected shall be paid into the county treasury and be distributed to four funds.

527. (Sec. 3.) Fifty cents on each hundred dollars of taxable property in said county shall be paid into the School Fund. All other taxes collected for county purposes on taxable property in said county (except the special tax for repairing and building bridges), shall be paid into and constitute a part of the General Fund,

School fund.
Special tax.

528. (Sec. 4.) All gambling licenses, receipts from toll roads, bridges and ferries, and all fines and forfeitures arising from fines and forfeitures for breach of penal laws of this Territory shall be paid into and constitute a part of the School Fund of said county.

Gambling licenses, etc., for school fund.

529. (Sec. 5.) All moneys belonging to the county derived from poll-taxes, shall be distributed as follows, to wit: one-half thereof shall be paid into and constitute a part of the General Fund, and one-half thereof shall be paid into and constitute a part of the School Fund; *Provided*, however, that where poll-taxes are not paid prior to the first Monday in August in each year, the extra dollar collected shall be distributed as follows: seventy-five cents thereof to the School Fund and twenty-five cents to the Collector.

Poll-taxes distributed.
General fund.

530. (Sec. 6.) All revenue collected from Territorial and county licenses that belong to the county, (except gam-

Same.

- bling licenses and licenses for toll roads, bridges and ferries) shall be paid into and constitute a part of the General Fund of the county.
- Hospital fund** 531. (Sec. 7.) The hospital *per capita* tax shall be collected by the Tax Collector and paid into the County Treasury and constitute the Hospital Fund of said county.
- Road fund** 532. (Sec. 8.) The *per capita* tax for road purposes shall be collected by the Tax Collector and paid into the County Treasury and constitute the Road Fund of said county. All special taxes levied upon the taxable property of the county for the purposes of repairing and constructing bridges, shall be paid into the County Treasury and constitute a part of the Road Fund of said county.
- Transfer of the current expense fund into the general fund.** 533. (Sec. 9.) All moneys remaining in the Current Expense Fund and the Redemption Fund of said county at the time of the passage of this Act, shall, immediately after the passage of this Act, be transferred by the Treasurer of the county into the General Fund of said county, and shall thereafter constitute a part of said fund; and from and after the date of each transfer said Current Expense and Redemption Funds shall cease to exist as funds in the County Treasury of said county. The County Treasurer of said county shall at the same time transfer to the General Fund all moneys in the so-called "Dead Bodies Fund" in the County Treasury, and such money shall constitute a part of said General Fund.
- Warrants.** 534. (Sec. 10.) All warrants of said county drawn upon the General Fund and Current Expense Fund, prior to the passage of this Act, shall be paid, in the order of their registry, out of the General Fund, and such warrants shall be paid, if presented before any warrants drawn on the General Fund, after the passage of this Act, shall be paid.
- Current expenses, how paid** 535. (Sec. 11.) All the current expenses of said Boise County, except as otherwise provided by law, shall, from and after the passage of this Act, be paid out of the General Fund of said county.
- Act repealed.** 536. (Sec. 12.) An Act entitled "An Act to provide for the redemption of and prescribing the manner of redeeming the outstanding warrants drawn upon the Treasurer of Boise County; and further to provide for the payment of all current expenses of said Boise County," approved January 4th, 1877, be and the same is hereby repealed.

PART VIII.

SPECIAL AND LOCAL ACTS APPLICABLE TO CASSIA COUNTY.

AN ACT creating and organizing the County of Cassia.
[Approved February 20, 1879.]

SECTION
537. Boundaries
538. Special election
539. Location of county seat

SECTION
540. Exempt from control of Owyhee
County.
541. Recorder to transcribe records.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

537. (Section 1.) That all the portion of that Territory of Idaho contained within the following boundaries, to wit: Commencing at a point in the center of Snake river, where the meridian of longitude one hundred and thirteen degrees west from Greenwich would cross that river; thence down that river to the thirty-eighth meridian of longitude, (west from Washington); thence south along said meridian to the line dividing Idaho and the State of Nevada, thence due east along said line to said meridian of longitude one hundred and thirteen degrees; thence due north along said meridian to the place of beginning; be, and the same is hereby organized into a new county, to be called the County of Cassia.

Boundaries.

[As amended, Act February 9, 1881.]

538. (Sec. 4.) There shall be a special election held in the County of Cassia on the first Monday in June, A. D. 1879, for the election of all county officers provided for by law for other counties in this Territory, including a Board of County Commissioners; and such special election shall be conducted and subject to the laws governing general elections as provided by statute for the holding of elections in this Territory; and on the second Monday thereafter the county officers so elected, shall qualify as provided by law for such officers, and enter upon the duties of their respective offices, and hold the same until their successors are duly elected and qualified at the next general election; and the Board of Commissioners of said County of Cassia, shall on said last named day hold a special meeting of their Board, for the approval of the bonds of said county officers so elected at said special election, and for the transaction of such business as may come before them.

Special election.

539. (Sec. 5.) That at the said special election as is provided for in said Section 4 of this Act, the question of the permanent location of the county seat shall be decided by the vote of the people resident in the said County of Cassia.

Location of
county seat

540. (Sec. 6.) The said County of Cassia shall from and after the passage of this Act, be exempt from all jurisdiction and control of the officers of Owyhee County, except that all taxes heretofore levied upon any persons or property

Exempt from
Owyhee county.

Recorder to
transcribe
records.

prior to January 1, 1879, by the county last named, and which have not been paid, may be collected in the same manner as though this Act had not been passed.

541. (Sec. 7.) The Recorder of the County of Cassia, who shall be hereinafter elected, is hereby authorized to transcribe into books to be procured for that purpose, such parts of the records and files of Owyhee County, as relate to matters within the county created by this Act, and the same shall have the same force and effect, and be of the same degree of evidence as the original files and records.

TO AUTHORIZE THE COUNTY OF CASSIA TO ISSUE AND NEGOTIATE BONDS.

AN ACT to authorize the county of Cassia to issue and negotiate Bonds.

[Approved January 30, 1885.]

SECTION

545. Bonds to be issued, How executed.
546. Printing and sale of
547. Tax for payment of.

SECTION

548. Property pledged.
549. Treasurer.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Bonds to be
issued

545. (Section 1.) The Board of County Commissioners of Cassia County, Idaho Territory, are hereby authorized to issue fifteen thousand (15,000) dollars of negotiable coupon bonds of their county, in denomination of five hundred (500) dollars each, bearing interest at the rate of eight per cent. per annum, payable semi-annually on the first Monday in January and the first Monday in July of each and every year; and the one-third of said amount, five thousand (5,000) dollars, shall mature in five years from the date of issue of same, and two thousand (2,000) dollars shall mature at the end of each and every year thereafter, until all of said bonds are paid; and each of said bonds shall express upon the face thereof the time when they are to become due, and where payable, and each shall have attached when negotiated, semi-annual interest coupons covering the interest thereof at the rate aforesaid, from the date of their issue until its maturity. Said bonds shall be signed by the Chairman of the Board of County Commissioners and attested by the Clerk of the Board and its seal, and countersigned by the Treasurer, and the Treasurer shall number said bonds consecutively and register the same in a book kept in his office for the purpose, which book shall be a public record. The date of issue of negotiation, the amount and date of maturity, shall be registered in said book, and the number of coupons attached to each, and the Treasurer shall cancel each coupon detached from each bond when the amount is paid and redeemed, which shall be done in the presence of the Board of County Commissioners at their next meeting after any of such coupons are so detached or redeemed.

How executed

Printing and sale
of

546. (Sec. 2.) The Board of Commissioners of said county, immediately after the passage of this Act, shall secure the printing and preparing of the bonds authorized by this Act; and the County Treasurer under their direction shall negotiate and sell the same for cash, and the proceeds

shall be placed in the County Treasury, and all the outstanding indebtedness of said county shall be immediately paid. *Provided*, that no bonds issued under the provisions of this Act shall be sold for less than par value.

547. (Sec. 3.) For the payment of the interest and principal of said bonds the Board of County Commissioners shall, at the time of the levy of the taxes for said county, include therein a levy of a sufficient amount upon the taxable property in said county to pay the interest becoming due each year on said bonds, and an additional amount of one-fifth of one per cent. as a sinking fund to pay the principal of said bonds as may become due. Tax for payment
of

548. (Sec. 4.) All the taxable property of said Cassia County is irrevocably pledged for the payment of said indebtedness and every part thereof, both principal and interest. Property
pledged

549. (Sec. 5.) The County Treasurer of the said county shall have the custody of all moneys arising from the sale of said bonds, and shall pay the same out upon the order of the Board of Commissioners of said county. The said Treasurer shall receive one per cent. on all said moneys for receiving and paying out the same, as full compensation for his service required by this Act, except his actual expenses which shall be incurred in carrying out the provisions of this Act; the amount of the same to be fixed by the Board of County Commissioners. Treasurer.

TO CREATE A CONTINGENT FUND IN THE COUNTY OF CASSIA.
AN ACT to create a Contingent Fund in the County of Cassia.

[Approved January 25, 1881.]

SECTION -
550 Amount of fund
551. Order on minutes.

SECTION
552 Surplus

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows.

550. (Section 1) The Board of County Commissioners of the County of Cassia are hereby authorized and empowered to set apart annually any sum not to exceed the sum of five hundred dollars, out of any money in the County General Fund for contingent expenses. Amount of fund.

551. (Sec. 2.) The Board of County Commissioners of said county shall make an order upon the minutes of said Board, setting apart such sum as they may deem sufficient for each year, not exceeding the sum mentioned in Section one of this Act. Order on min-
utes.

552. (Sec. 3) The balance in said contingent fund, if any there be at the end of each year shall be covered back into the county general fund of said county. Surplus

Tax levy to be made in January in Cassia and Owyhee Counties. See Part 2, Secs. 125, 126.

PART IX.

SPECIAL AND LOCAL ACTS APPLICABLE TO CUSTER COUNTY.

AN ACT to create and organize the County of Custer.
[Approved January 8, 1881. Effect April 1, 1881.]

SECTION

556. Boundaries.
557. Commissioners, appointment of.
558. Commissioners, oath and duties of.
559. Where to meet.
560. Special election.
561. Commissioners elected; Meetings.
562. Officers to qualify.
563. Commissioners to appoint temporary officers.

SECTION

564. Location of county seat.
565. Canvass of vote for county seat.
566. Government.
567. Delinquent taxes
568. Transcript of records.
569. Warrants to Alturas County.
570. Special tax.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Boundaries.

556. (Section 1.) That all those portions of the Counties of Lemhi, Alturas and whatsoever others, in this Territory, embraced and included within the following boundaries to-wit: Commencing at the confluence of the Pahsimeroi with the Salmon river, and running thence up the Pahsimeroi river to the mouth of Big creek, thence up Big creek, and on a line, from the head thereof, with the general course of said creek to the summit of the divide between the waters of the Pahsimeroi and Lemhi rivers, thence south-easterly on the summit of said divide to a point due west from the head waters of Little Lost river, thence due east to the head waters of said Little Lost river, thence down Little Lost river to the point where the trail leading to Pass creek crosses said Little Lost river, thence in a direct line to the head of Pass creek, thence down said Pass creek to Big Lost river, thence along Big Lost river to the mouth of Antelope creek, thence up Antelope creek to the divide which separates its waters from those of Little Wood river, thence westerly along and upon the summit of the ridge of mountains dividing the head waters of the East Fork of the Salmon river from the waters of the Little or Big Wood river, and continuing westerly on said divide between the East Fork of Salmon and Wood rivers, to the main Salmon river, thence along said Salmon river to the mouth of Fall creek, a stream entering the Salmon river at a point about fifteen (15) miles northerly from Sawtooth City, thence up said Fall creek to Pettit lake in a right line to the mouth of the creek entering said lake at the west end thereof, thence up said last mentioned creek to the summit of the Sawtooth mountains, thence northerly along the summit of the Sawtooth mountains to the termination thereof, near what is known as the Cape Horn Cabin, thence from the end of the said Sawtooth range, on a due west line, to the stream called Marsh creek, and along and with Cape Horn creek, to its entrance into the Middle Fork of the Salmon river, thence on and with the divide which separates the waters

flowing into the Middle Fork of the Salmon from those flowing into the main Salmon through Stanley Basin, and along and upon the divide between the waters of Loon creek and Deep creek on the north, and the waters of Yankee Fork on the south, and following such divide easterly around the head of Panther creek to the divide between Hat creek and Ellis creek, thence on the divide between Hat creek and Ellis creek in an easterly direction to the Salmon river, thence up the said Salmon river to the place of commencement, be and the same are hereby constituted into a county to be called the County of Custer, the same to be organized temporarily and permanently as hereinafter provided and directed.

557 (Sec. 2.) That James M. Shoup, of Challis, J. S. P. Robinson, of the place known as Custer City, and Enos Watson, of the place known as Bonanza City, are hereby appointed County Commissioners for said county of Custer, who shall hold their respective offices from the time of qualifying as such, until their successors are elected and shall qualify, as hereinafter provided by this Act; *Provided*, that if a majority only of the Commissioners elected at the special election hereinafter mentioned, appear and qualify at the first meeting of the Board of Commissioners elected thereat, then such majority shall enter upon the discharge of their duties, and may proceed at any time to file the place of the person so failing to appear and qualify.

County commissioners appointed.

558. (Sec. 3.) The Commissioners herein above appointed shall take the usual oath of office, and file the same with their clerk, and they or a majority of them, shall enter upon the discharge of the duties of office and of the special duties herein prescribed on the first Monday in April in the year one thousand eight hundred and eighty-one.

Commissioners to take oath.

Duties, when to commence

559. (Sec. 4.) Said Commissioners shall meet at Challis on the first Monday of April, A. D. 1881, and shall proceed to divide the County of Custer into proper and convenient election precincts, and appoint the judges of election therein for the special election hereinafter mentioned.

Where to meet

Precincts and judges.

560. (Sec. 5.) A special election shall be held in the said County of Custer, on the third Monday in June, A. D. 1881, for the election of all county officers required by law to be elected in the several counties of this Territory, including a Board of Commissioners for the same. Such special election shall be conducted in the manner, and be governed by the laws relating to general elections. The said above named Commissioners shall meet at Challis, on the tenth day after said election, and act as a Board of Canvassers, declare the result of said election, (including the vote on the question of fixing the county seat of said county,) and cause certificates to issue as required by law. Said Board shall cause due notice to be given of said special election, and shall cause the same to be published for a reasonable time in any newspaper which may then be printed in said county.

Special election when to be held.

How conducted.

Board of canvassers.

Notice of special election.

561. (Sec. 6.) The Board of Commissioners above herein designated, shall hold a meeting at Challis, on the first Saturday in July, A. D. 1881, when the Commissioners elected at said special election shall appear and qualify, and enter upon the discharge of their official duties. Thereafter the

Commissioners elected, when and where to meet, etc.

Meetings.

County Commissioners of said county shall hold their meetings, regular and special, according to the general laws governing the same; *Provided*, that when the regular day for meeting shall occur on a day established as a holiday, then they shall meet on the day next after said holiday.

County officers to appear and qualify.

562. (Sec. 7.) On the first day of the meeting of the Board of County Commissioners, elected under this Act, or before the adjournment of the session for July, A. D. 1881, the officers elected for said County of Custer shall appear and file their bonds, and upon the approval thereof shall be sworn into office, and they and all other county and precinct officers shall continue to hold their respective offices until the first Monday in January, A. D. 1883, and until their successors are elected and qualified.

Commissioners to appoint *pro tempore* county and precinct officers.

563. (Sec. 8.) It shall be the duty of the County Commissioners herein designated, immediately upon organizing their Board, to proceed to the election or appointment of such *pro tempore* county officers for said County of Custer, as are provided for the other counties of this Territory; and also to appoint precinct officers in such parts of the said county as are not included in existing precincts; *Provided*, that the successors to such precinct officers shall be elected at the special election herein required; *And provided, further*, that the precinct officers elected at the general election held in the year 1880, in any part of said county, and who shall have qualified, shall be entitled to hold their respective places for the term for which they were chosen at said general election.

Location of county seat.

564. (Sec. 9.) At the said special election herein provided for, the question of the permanent location of the county seat of the county hereby created, shall be submitted to, and be voted upon, by the qualified voters therein. The words, "For County Seat" shall be written or printed on the ballot, and the town or place desired by the voter shall be designated opposite or under the words above mentioned and required.

Canvass of vote for county seat.

565. (Sec. 10.) In canvassing the vote on the location of the county seat, ballots shall not be rejected because of any error in orthography, or informality therein, if it can be clearly ascertained from the ballot what was intended by the voter; but where two or more ballots are folded together, they shall not be counted, and upon the canvass of the vote by the Board of County Commissioners, the town or place receiving the highest number of legal votes, shall and is hereby established as the permanent county seat of said Custer County. In case no choice is made at said election, the Commissioners shall fix temporarily the county seat, and the question shall be again voted upon at the first general election thereafter.

Government.

566. (Sec. 11.) From and after the temporary organization of said Custer County, the same shall be exclusively subject of the government therefor, herein provided, and exempt from the jurisdiction, interference or control of any officer of Lemhi County, or other county of this Territory; and all public offenses committed after the said temporary organization thereof, within the boundaries of said Custer County, and all persons charged with the commission thereof, shall be amenable to the process of said county,

and shall be prosecuted and tried in the said County of Custer. —

567. (Sec. 13.) All taxes heretofore levied upon real and personal property situated within the said described boundaries of Custer County, by the said County of Lemhi, and which remain delinquent and unpaid, may be collected, and the payment thereof enforced in the same manner as though this Act had not been passed.

Delinquent
taxes.

568. (Sec. 14.) The Recorder of the County of Custer, who shall be hereafter elected, is hereby authorized to transcribe into proper books, which shall be procured for that purpose, of the description required by law, such parts of the records of the Counties of Lemhi and Alturas as relate to real or personal property situated within the county created and organized under this Act, and the same, when so transcribed, shall be of the same force and effect, as notice, and shall in all courts be received in like manner, and certified copies therefrom with like effect as evidence, as if the original record, or certified copies therefrom, were produced in said courts.

Transcripts of
certain records
of Alturas and
Lemhi.

Effect of tran-
scripts

569. (Sec. 15.) The County Auditor to be elected under the provisions of this Act, shall, as soon as practicable after entering upon the duties of his office, draw warrants of said Custer County in favor of the County of Alturas, in sums not exceeding five hundred (500) dollars each; bearing interest at ten (10) per cent. per annum, to the total amount of eight thousand (8,000) dollars, which amount is hereby ascertained and declared to be the just proportion of the existing debt of Alturas County, due from the said County of Custer, as a consideration for the appropriation of territory heretofore subject to the jurisdiction of the former county. Said warrants when drawn and properly registered, shall be delivered to the County Auditor of Alturas County, or to such other officer, or person as may be authorized to receive and receipt for the same, by, or under the order, of the County Commissioners of said County of Alturas.

Warrants in
favor of Alturas
county.

Delivery of
warrants.

570. (Sec. 16.) The Board of County Commissioners of said County of Custer shall at the time of levying taxes for the year 1881, and annually thereafter, levy a special tax of twenty-five (25) cents on each one hundred (100) dollars of taxable property in said county, the proceeds of which shall be set apart as a sinking fund for the redemption of said warrants, so to be drawn in favor of the County of Alturas, and when the whole of said warrants, with the interest thereon, shall be paid from the proceeds of said special tax or otherwise. Said special tax shall be no longer levied, and any moneys thereafter remaining in said sinking fund, shall, by order of the Board of County Commissioners, be transferred to the school fund of the said County of Custer; *Provided*, that when at any time the County Auditor of said Custer County, shall notify the Auditor of said Alturas County, that there are moneys in said sinking fund of his county, for the redemption and payment of any warrant or warrants, so drawn and outstanding in favor of said County of Alturas, then interest on the warrants which the County of Custer is prepared to pay, and of which notice shall be given as above required shall cease; but the moneys

Special tax
levy of.

Sinking fund

Interest on
warrants to
cease

applicable to the payment of such designated warrants shall not be used in the payment of any other of such warrants for one year after notification, and a failure on the part of the holders to present the same for payment.

Apportionment of indebtedness between Custer and Lemhi Counties.

See Part II, Secs. 122-124.

AUTHORIZING THE COMMISSIONERS OF CUSTER COUNTY TO
CONSTRUCT A JAIL AND HOSPITAL.

AN ACT authorizing the Commissioners of Custer County
to construct a Jail and Hospital.

[Approved February 3, 1885.]

SECTION

571. Jail and Hospital.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

571. (Section 1.) The Commissioners of Custer County, for the purpose of constructing and furnishing a jail and hospital for the use and benefit of the said county, are authorized to appropriate the funds in the County Treasury arising from the levy and collection of a tax in 1883, under the provisions of an Act approved January 17, 1883, entitled "An Act to authorize the County Commissioners of Lemhi and Custer Counties to issue and negotiate bonds, and for other purposes." *Provided*, that the cost of building and furnishing of said jail shall not cost to exceed twenty-five hundred dollars, and all the remainder of said fund not used in the construction and furnishing of such jail shall be appropriated to the construction and furnishing of the county hospital.

LEGALIZING CERTAIN RECORDS IN LEMHI COUNTY.

AN ACT legalizing certain Records in Lemhi County.

Approved February 1, 1881.]

SECTION

572. Records in Lemhi and Alturas Counties.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

572. (Section 1.) That all conveyances, mortgages, transfers, claims, liens, notices, of mining locations, and instruments of every kind or nature relating to real or personal property, situated at the time of such record within those portions of Lemhi and Alturas Counties embraced within the territory included within limits of the County of Custer, and recorded in the County of Lemhi prior to the taking effect of the Act entitled, "An Act to create and organize the County of Custer," approved January 8, 1881, are hereby legalized and declared as valid to all intents and purposes as if the same had been duly recorded in the proper county.

Stallions and other animals running at large in Custer and other counties. See Part II, Secs. 117 to 120.

PART X.

SPECIAL AND LOCAL ACTS, APPLICABLE TO IDAHO COUNTY.

AN ACT to define the boundaries of Idaho County, and for other purposes.

[Approved January 8, 1875.]

SECTION	SECTION
573 Boundaries	576 Special election for officers and location of county seat
574 Indebtedness and apportionment of	577 Removal of records.
575 Warrants and taxes for payment of	578. Repeal of Acts.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

573. (Section 1.) The boundaries of the County of Idaho shall hereafter be as follows. Commencing at the junction of Salmon river with Snake river; thence in a north-easterly direction to a point where the Lewiston and Mount Idaho stage road crosses Willow creek; thence down the middle of the channel of Willow creek to its junction with Lawyer's Canyon; thence down the middle of the channel of Lawyer's Canyon to its junction with the Clearwater river; thence up the channel of Clearwater river to the mouth of the north fork of the south fork of said Clearwater river; thence due east to the Lolo fork of the Clearwater; thence up the Lolo fork to the summit of the Bitter Root Mountains; thence south-eastwardly and southerly, following the present defined boundary line between the Territories of Idaho and Montana, to the northwest corner of Lemhi County; thence south to the present line of Custer County; thence south-westerly along the present line between Idaho and Custer Counties to the present line of Boise County, thence due west along the present line between Idaho and Boise Counties, to the present line of Washington County; thence following the present line between Idaho and Washington Counties to Snake river; thence following the channel of Snake river to the place of beginning.

[As amended, Act January 21, 1885.]

574. (Sec. 3.) In consideration of the grant of territory hereby made by Nez Perce County, the County of Idaho shall be liable for, and shall assume and pay to the County of Nez Perce, forty per cent. of the indebtedness of said Nez Perce County, at the time this Act shall take effect and be in force.

The amount of such indebtedness of said Nez Perce county to be so assumed and paid by Idaho County shall be ascertained as follows: The Auditor of Idaho County shall, within three months from the taking effect of this Act, ascertain from the reports of the Auditor and Treasurer of Nez Perce County, or, if such reports be not complete, or be from any cause unsatisfactory, then from the books of said Auditor and Treasurer, the total amount of county warrants of said Nez Perce County, drawn and outstanding,

Boundaries.

Indebtedness
and apportion-
ment of.

and shall report the same to the Board of County Commissioners of Idaho County; from the total sum of such indebtedness shall be deducted the amount of cash in the County Treasury, and the further sum of one thousand dollars assumed to be the value of county property retained by Nez Perce County. Of the net indebtedness so ascertained, the County of Idaho shall be liable for and shall pay to Nez Perce County forty per cent. upon such adjustment made and reported to the Board of County Commissioners, as herein provided for. The Auditor of Idaho County shall be authorized to draw his warrants in sums not exceeding five hundred dollars each, payable to the Treasurer of Nez Perce County, for the benefit of said county, and not transferable, and he shall deliver the same to the Treasurer of said Nez Perce County.

Warrants and
taxes for
payment of.

575. (Sec. 4.) The County Commissioners of Idaho shall at their next regular meeting, after the passage and approval of this Act, and annually thereafter, as long as the same may be required, for the payment of the warrants to be drawn as provided by Section three (3) of this Act, set apart the whole amount of poll and eighty per cent. of the hospital taxes collected in said county, and ten per cent. derived from property taxes, which shall constitute a sinking fund, for the payment of warrants in favor of Nez Perce County, and the County Treasurer of Idaho County shall, on the first day of July and January of each year, and oftener if directed by the County Commissioners, pay to the Treasurer of Nez Perce County the whole amount in said sinking fund to be by him applied to the redemption of said warrants.

Special election
of officers and
location of
county seat.

576. (Sec. 5.) The Board of County Commissioners of Idaho County, shall call a special election to be held at all the usual voting places in the whole county, on the first Monday of June, 1875, at which time there shall be elected a full Board of County Commissioners, who shall hold their offices until the next general election, and until their successors are elected and qualified. They shall qualify and enter upon the discharge of their duties on the first Monday of July subsequent to said election; and at said election there shall be submitted to the voters of said county the permanent location of the county seat, for which purpose the three points or places, Washington, Slate Creek and Mount Idaho, shall be voted for, and the point or place so designated receiving the highest number of votes, shall be declared the county seat of Idaho County.

The special election to be held under the provisions of this Act shall be canvassed and governed by the general election law of the Territory.

Removal of
records.

577. (Sec. 6.) The Board of County Commissioners of Idaho County shall, at their first regular or special session after said election, provide for and direct the removal of all the county records, books, papers and other county property, to be removed to the said county seat, and provide county buildings, and do all things necessary to be done to carry the provisions of this Act into effect.

Repeal of acts.

578. (Sec. 7.) All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Boundary line between Idaho and Boise Counties. See Part VII, Secs. 504-506.

TO PROVIDE STOCK DISTRICTS IN THE COUNTY OF IDAHO, AND
FOR THE ROUND-UP OF HORSES AND CATTLE.

AN ACT to provide Stock Districts in the County of Idaho,
Idaho Territory, for creating Stock Boards for such
districts and for the Round-up of Horses and Cattle.

[Approved January 27, 1883.]

SECTION		SECTION	
583	Stock districts, how formed, Stock Boards, Term of office	592	Branding of unclaimed stock.
584	Stock Board, Oath of members, Form of Oath,	593	Sale of unclaimed stock, Receipts of sale
585	Stock Board, meetings of	594	Stock Board, duties of
586	Round-up of stock.	595	Moving stock, notice of
587	Books of Records, Brands, Recording brands	596	Branding stock
588	Unclaimed stock, Fee of Clerk of Stock Board	597	Contagious diseases
589	Fee of Superintendent of Stock Board, How paid	598	Failure to comply with provisions of Act, Penalty.
590	Round-up, when	599	Counterfeit brands, Penalty.
591.	{ Brands, Examination of, Unclaimed stock, Unbranded stock.	600	Neglect of duties
		601.	Disposition of fines and receipt of sales
		602	Vacancies in Stock Boards

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

583. (Section 1.) The Board of County Commissioners of Idaho County, Territory of Idaho, shall at their regular meeting in April, 1883, divide said county into stock districts of not more than ten, and number the same. They shall have due regard to natural boundaries, and shall take into consideration the convenience of the resident stock owners and shall at the same time and annually thereafter, at their regular meeting in April, appoint three *bona fide* resident stock owners in each stock district, (naming one as Superintendent and one as Clerk), who shall constitute the Stock Board of such district, said stock boards shall hold their office for one year, and until their successors are appointed and qualified. Notice of appointment shall be forwarded by mail or delivered in person or by proxy, to each member of the stock board of every stock district by the Clerk of the Board of County Commissioners within three days from the date of such appointment.

Stock districts,
how formed.

Stock board

Term of office.

584. (Sec. 2.) The members of the several stock boards, who may be appointed in accordance with the provisions of this Act, shall, within ten days after receiving notice thereof, and before entering upon the duties thereof, appear before some officer by law authorized to administer an oath and take and subscribe to the oath of office, which oath shall be substantially in the following form:

Oath of mem-
bers of stock
boards.

Form of oath.

I, A. B., do solemnly swear (or affirm) that I will faithfully, fairly and impartially discharge the duties required of me, as a member of the stock board of the stock district No—, according to law, and to the best of my ability. Said oath shall be attached to the certificate of appointment and certified to by the officer administering the same, and said officer shall file a copy thereof with the County Recorder.

585. (Sec. 3.) The Superintendent of each stock board shall preside at all meetings of the board, and at all public meetings of the district, and shall, with the aid of the other members of the board, superintend the general semi-annual

Meetings of
stock board.

round-up of horses and cattle of the district; and shall have the care and custody of all unclaimed stock, and shall have power to call a meeting of the board as occasion may require.

Round-up of
stock.

586. (Sec. 4.) The stock board of each district shall fix the day and place for the commencement of the general semi-annual round-up within the time prescribed by this Act, and shall give five days notice of the same by posting notices in three of the most public places within their respective districts; *Provided*, that said semi-annual round-up shall not take place in more than one district in said county at the same time; but one shall immediately follow the other in the order in which they may be directed by the Board of County Commissioners.

Book of record.
Brands.

587. (Sec. 5.) Each and every stock board that may be organized under the provisions of this Act, shall procure a book of records, and shall adopt and procure a stock-brand and counter-brand, and the cost thereof shall be a charge against the county, which charge or account shall be subscribed and sworn to by the Superintendent of the stock board, and, on presentation, shall be audited and allowed by the County Commissioners, and be paid out of the 45 per cent. fund of said county. All district stock-brands and counter-brands shall remain in the care and custody of the Superintendent. They shall only be used in the manner hereinafter described, and shall be recorded in the County Recorder's office, and the Recorder shall receive a fee of one dollar for recording the brand and counter-brand of each stock district to be paid out of the 45 per cent. fund of said county, to be audited and allowed as other claims.

Recorder's fee
for recording
brands.

Unclaimed
stock.

588. (Sec. 6.) The Clerk of the stock board of each stock district shall keep a correct and accurate description of all unclaimed stock, together with their marks and brands (should they have any) and shall record the same in a book of records kept for that purpose; and it shall be his duty, and he is hereby required, within six days after the close of each round-up herein required in his district, to make out and transmit to each of the Clerks of the various stock districts within said county a brief but correct description of all unclaimed stock, together with their marks and brands (should they have any), and upon receipt thereof, the same shall be recorded and kept by each of said Clerks for the free inspection of the public.

Fee of clerk of
stock boards.

For recording the description of the marks and brands, and making copies thereof, as in this Section required, the Clerk shall receive a fee of fifty cents for each unclaimed animal; but no fee shall be allowed any Clerk to whom such description is sent, and the Clerk of each stock board is hereby authorized to administer oaths and take evidence and affidavits on all cases touching the ownership of stock, and also to administer the oath of office to the members of the incoming stock board.

Fee of superin-
tendent of stock
boards.

589. (Sec. 7.) The Superintendent of each stock district shall receive two (2) dollars per month, or the proportion thereof, for such time as he may have the custody of such stock for the care and feeding of each animal placed in his charge by the stock board; and the stock board shall receive seventy-five cents for each unclaimed animal they

may brand and counter-brand, according to the provisions of this Act. The foregoing fees, together with the fees of the Clerk, as provided for in Section six of this Act, shall become a lien on said stock, and shall be paid by the owner; and the Superintendent, Clerk and stock board shall receive no additional compensation for any service required of them by this Act.

Fees, how paid.

590. (Sec. 8.) In each and every stock district created under the provisions of this Act there shall be, semi-annually, one general round-up for gathering together of horses and cattle, to-wit: between the 15th day of March and the 15th day of May of each year, shall be one round-up, and between the 1st day of September and the 1st day of November of each year, shall be another general round-up. Each and every resident stock-owner or owners, or his or their agents, who may own or have in his or their charge thirty head of horses or cattle, or more than that number, shall be obliged, and are hereby required, to attend and assist at every general round-up of horses or cattle running at large in the stock districts in which they may reside; and a majority of the resident stock-owners of each district, may make and adopt such local laws, rules and regulations not in conflict with the provisions of this Act, as they may deem necessary for their government and guidance.

Round-up, when

591. (Sec. 9.) When the horses or cattle of any district shall be gathered together, in accordance with this Act and the local regulations of such district, any stock-owner or owners, or his or their agents, shall have the privilege of examining, branding and taking away all stock belonging to him or under his charge. The stock board shall take charge of all unclaimed stock, and shall place the same in the custody of the Superintendent. All unbranded stock over one year old shall be considered as unclaimed stock, and shall be subject to proof of ownership.

Examining brands.

Unclaimed stock.

Unbranded stock.

592. (Sec. 10.) At the close of each semi-annual round-up in each stock district, the stock board shall immediately proceed to brand all unclaimed stock with the district stock brand, and shall place them in charge of the Superintendent, who shall carefully herd the same (or inclose in a secure pasture), subject to the inspection and proof of all claimants of said unclaimed stock for the term of thirty days; and upon any claimant proving the ownership of any of such unclaimed stock, and paying the fees due the Superintendent, Clerk and stock board and the expenses of publication, as in this Act required, then the stock board shall counter-brand and deliver said stock to the rightful owner or his agent; *Provided*, that said Superintendent shall, within one week after the general round-up, publish by posting a notice in three conspicuous and public places in his said district, and also by notice upon the court house door of his county for at least twenty days before the sale provided for in the next section. Said notices shall give a description of said stock, with their marks and brands, and direct the owner or owners of said unclaimed stock to appear and prove ownership previous to or on the day of sale.

Branding of all unclaimed stock

593. (Sec. 11.) At the expiration of thirty days from date of notice of sale, provided for in Section ten of this

Sale of unclaimed stock.

Act, all stock that may remain unclaimed in charge of the Superintendent, and all stock, the owner of which has not appeared and proven his ownership and paid the charges due thereon, shall be sold to the highest bidder for cash. The proceeds of such sale shall be first applied by the Superintendent to the payment of the fees, costs and charges, and the residue shall be paid into the hands of the Superintendent, and said Superintendent shall keep an accurate account of all animals sold, the amount received therefor, the amount paid out, and to whom and for what purpose, and make a general report showing the items of debits and credits, to be exhibited publicly on the first day of each semi-annual round-up, and at the close of his official term shall turn over all moneys, books, papers, brands and all other district property to his successor in office. If the owner or claimant of any unclaimed animal sold under the provisions of this Act shall, within the period of six months after such sale, make satisfactory proof of ownership to the stock board of said stock district, the said board shall authorize the Superintendent to pay such owner the amount for which such animal or animals were sold, less ten per cent. In case proof is not made within six months from date of sale, one-half of said money shall be forfeited to the district and shall be expended therein in defraying general expenses, improving corrals, etc.

Disposition of
receipts of sale.

Duties of stock
boards.

594. (Sec. 12.) All stock boards are hereby required, and it is made their duty to attend the general semi-annual round-up of stock in their respective stock districts, and should any disputes arise respecting the ownership of any stock, it shall be the duty of said stock board to decide all such disputes; *Provided*, that when one of said members of the board shall be a party to any dispute, then the other two members shall select some disinterested person, a resident stock-owner of such district, to assist in the settlement of such dispute; *Provided, further*, that should any dispute arise touching the ownership of any stock between two members of any stock board, then they shall each of them select some disinterested person, a resident stock owner, to act with the other members of the board in the settlement of such dispute. Any party who may be a party to any dispute touching the ownership of stock, may appeal from the decision of the stock board to any Justice of the Peace in the county; *Provided*, such appeal be taken within two days after the judgment or decision of the stock board may have been rendered.

Moving stock.

595. (Sec. 13.) When the owner, agent or the owner, or parties in charge of stock, shall desire to remove such stock from the range on which they have been running, for the space of ten days or more, to another range, or for any other purpose, ten miles or more distant, they are hereby required to drive said stock to the most convenient and nearest corral, and there and then separate all stock not his own, or under his charge, from his own stock or the stock under his charge, and shall leave said stock not his own, or under his charge, upon this range, and shall only drive his own stock or that in his charge, therefrom. Nor shall any stock-owner, agent or parties in charge of stock, remove said stock from one side to the other of the Salmon, Snake

or Clearwater rivers from the County of Idaho to any other county, nor for the space of ten miles, without first giving three days' notice of his or their intention of removing the same, by posting a notice in a conspicuous place on the public corral of the stock district in which said stock are then ranging or located, and by giving the Superintendent of said district three days' previous notice of such removal.

Notice of removal of stock.

596. (Sec. 14.) Any stock owner, agent or person having stock under his charge, not branded at the public stock corral at the regular semi-annual round-up, and in the presence of one or more of the stock board of the district in which the stock is situated, or under his directions, said stock owner, agent or person having stock under his control, shall before branding or having the same branded, give at least three days' notice, posted in a conspicuous place on the public stock corral of said district in which said stock is situated, and also by giving notice to the Superintendent of said district of his intention to brand stock, designating the time and place of branding any colts, calves or other stock not branded.

Branding of stock.

597. (Sec. 15.) No horse having the glanders or any other equally fatal contagious disease, shall be allowed to run at large or go upon the public highway; and the owner or owners or agent having charge of such stock, or any other person knowing such stock to have said disease, shall immediately report the same to the Superintendent of the stock board of the district in which such stock is situated; and immediately upon said notice being given, the Superintendent shall call a meeting of the stock board of the district, and if it be ascertained that any stock in his district has the glanders, or any other equally fatal contagious disease, they shall kill such diseased stock and dispose of it as they may deem best to prevent the spread of the disease.

Contagious diseases.

598. (Sec. 16.) Any person or persons failing to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, and shall be liable to any party aggrieved for damages.

Failure to comply with the provisions of this Act.
Penalty.

599. (Sec. 17.) Any person who may be convicted of having used a district stock-brand or counter-brand without authority and in violation of law, or of having used a counterfeit brand or counter-brand of the same, shall be fined in any sum not less than fifty dollars nor more than two hundred dollars, and shall be imprisoned in the county jail for a term not exceeding thirty days; and all Justices of the Peace shall have jurisdiction of such offences.

Use of counterfeit brand

Penalty

600. (Sec. 18.) Should complaint be made against any member of the stock board for dereliction of duty, the same being sustained, he shall be considered as guilty of a misdemeanor, and shall be liable to prosecution for the same.

Neglect of duty.

601. (Sec. 19.) All fines and one-half of the residue of sales of unclaimed stock arising under the provisions of this Act, shall be paid into the County Treasury for the benefit of the public schools of Idaho County.

Disposition of fines and sale of unclaimed stock.

602. (Sec. 20.) Should a vacancy occur in any stock board by death, resignation or otherwise, the Board of County Commissioners of the county shall, at their first meeting thereafter, fill the same by appointment.

Vacancy in stock boards

TO PROVIDE FOR THE REDEMPTION OF OUTSTANDING WARRANTS.

AN ACT to provide for the redemption of the outstanding warrants drawn upon the Treasurer of Idaho County, and to provide for the payment of all the county expenses of said Idaho County.

[Approved January 23, 1883.]

SECTION	SECTION
606. Redemption Fund.	610. List of allowances; Transfer of moneys
607. How applied; Redemption notice.	611. Payment of warrants
608. Current Expense Fund.	612. School, hospital and road tax
609. Auditing claims; List of amounts to be allowed; Warrants.	

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Redemption fund.

606. (Section 1.) The Treasurer of Idaho County shall, upon the payment into the Treasury of any moneys collected for county purposes, set aside thirty-five (35%) per cent. thereof, which shall be named the "Redemption Fund," and which shall be applied and disbursed only to, and for, the payment and redemption of all warrants drawn upon the Treasurer of Idaho County prior to February 1st, A. D. 1883, or duplicates which have been issued in lieu thereof, in the order of their registry, as provided for by law.

How applied.

607. (Sec. 2.) Whenever funds to the amount of two hundred (200) dollars shall have accumulated in the "Redemption Fund" it shall be the duty of the Treasurer to notify the holder of county warrants to that amount next to be redeemed, that he will redeem such warrants on presentation at his office; and interest on said warrants shall cease from, and after, the date of said notification. Said notices of redemption shall be in writing, and shall be posted conspicuously in three of the most public places in said county, one of which notices shall be placed on the front of the court-house of said county.

Notice of redemption.

Current Expense fund.

608. (Sec. 3) The remaining sixty-five (65%) per cent. of all said moneys collected and paid in for county purposes, shall be named the "Current Expense Fund," and shall be disbursed and paid out in the manner hereinafter provided, and none other.

Auditing claims.

609. (Sec. 4.) At the regular meeting of the Board of County Commissioners of Idaho County, in January, April, July and October of each year, the board shall audit and allow all claims or accounts that may appear to them to be just, and order payment to be made out of any moneys belonging to the Current Expense Fund of said county, and at the close of each session prior to the adjournment of the board they shall cause two (2) lists to be made out of all the accounts so allowed, specifying in said lists the several names, amount, and for what allowed; which list shall be certified to as being correct by the Chairman of the board, attested by their Clerk under the county seal, one of which lists shall be immediately transmitted to the County Treasurer, the other to the Auditor of Idaho County, and a copy of the same shall be recorded by their Clerk in a book to be provided for that purpose. The County Auditor shall, upon receiving the list furnished him by the board, file the same

Lists of amounts to be allowed.

in his office, and, upon application of any person or persons to whom allowances have been made, draw his warrant upon the County Treasurer, for the amount so certified to, as allowed, and in favor of the person or persons designated in said list, payable out of any moneys belonging to the "Current Expense Fund." The Treasurer upon presentation of such warrant for payment, shall carefully compare the same with the list, and, if correct, shall pay it; but if any discrepancy exists, he shall note the particulars of such discrepancy upon the back of the warrant. And it is hereby made the duty of the Auditor, upon presentment of the warrant so rendered, to issue a duplicate corrected warrant, filing the original in his office, and marking across the face the words "Duplicate issued," and sign his name thereto, and on the duplicate warrant shall write in red ink the word "Duplicate."

Warrants.

610. (Sec. 5.) Immediately upon the receipt of the list of allowances made by the Board of County Commissioners at their regular session in January of each year, the Treasurer shall compute the amount thereof, and add thereto all amounts remaining unpaid and payable out of the "Current Expense Fund," and all moneys in excess thereof in said "Current Expense Fund" he shall thereupon transfer to the Redemption Fund and disburse in accordance with the provisions of Section one of this Act.

List of allowances.

Transfer of moneys.

611. (Sec. 6.) The County Treasurer shall, upon the payment of any warrant or order, write upon the face thereof the word "Redeemed," the date of redemption, and shall sign his name thereto.

Payment of warrants.

612. (Sec. 7.) Nothing in this Act shall be so construed as to interfere with or relate to moneys levied or collected for school, hospital or road purposes.

School, hospital and road-tax.

613. (Sec. 8.) All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Acts in conflict

PART XI.

SPECIAL AND LOCAL ACTS APPLICABLE TO KOOTENAI COUNTY.

AN ACT creating the Counties of Lah-toh and Kootenai.
[Approved December 22, 1864.]

SECTION

614. { Boundary.
Commissioners, appointment of; County Seat.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Boundary.

614. (Section 2.) All that portion of the Territory of Idaho north of the Counties of Nez Perce and Shoshone shall comprise the County of Kootenai, and the County Seat of the said County of Kootenai is hereby located at Sin-na-ac-quateen.

Commissioners,
appointment of.

(Sec. 3.) That whenever the inhabitants, to the number of fifty or more, of said County of Kootenai, shall desire to perfect a county organization, they shall apply by petition to the Governor, who, if he deem it advisable, shall proceed to designate by appointment three discreet and well qualified citizens of the county or counties so applying, to act as a Board of County Commissioners of such county. The Board of County Commissioners so appointed, after they shall have qualified in pursuance of law, and entered upon the duties of their office, may proceed to fill, by the appointment of suitable residents of the county, the various county officers as required by law for other organized counties in this Territory.

County seat,
location of.

(Sec. 4.) Whenever the County Commissioners shall be appointed as provided by law, they shall have power to locate the County Seat of said county.

[As amended, Act January 9, 1867.]

TO PROVIDE FOR THE REDEMPTION OF OUTSTANDING WARRANTS.

AN ACT to provide for the payment of all current expenses of Kootenai County, and to provide for the redemption of the outstanding warrants of said County and prescribing the manner of said redemption.

[Approved February 5, 1885.]

SECTION

615. Current Expense and Redemption Fund.
616. Current Expense Fund, how applied.

SECTION

617. Surplus transferred to Redemption Fund.
618. Redemption Fund applied to payment county warrants.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Current expense
and redemption
fund.

615. (Section 1.) All taxes levied and collected for county purposes in Kootenai County, under and by virtue of the laws of this Territory, including all licenses and revenues from all other sources (except those set apart for

school and road funds) shall be apportioned as follows: Seventy-five per cent. to the Current Expense Fund, and twenty-five per cent. to the Redemption Fund.

616. (Sec. 2.) The said Current Expense Fund shall be applied to pay the current expenses of the court house and jail of said county, salaries of officers as laid down by law, and such other lawful expenses as may be allowed by the County Commissioners, for rent, lights, fuel, stationery, (including blank books), and printing for county officers, and for bedding, food and clothing for prisoners, for which said county would be liable by law, and none other, and the County Commissioners shall order warrants drawn on said Current Expense Fund for the purposes specified in this Section only, and the same shall be paid out of any money in the Treasury belonging to said funds.

Current expense fund, how applied.

617. (Sec. 3.) The County Commissioners of said Kootenai County may, on the second Monday of January and second Monday of July in each and every year, if there shall remain at that time in the Treasury any part of such Current Expense Fund, order the same to be immediately transferred to and become a part of the Redemption Fund of said county and be expended as such; and it is hereby made the duty of the Treasurer of said county to make such transfer forthwith on said order of the board.

Surplus transferred to Redemption Fund.

618. (Sec. 4.) The Redemption Fund above mentioned shall be applied to the payment of the county warrants of said county, drawn on the general fund in the order and in the manner now provided by law.

Redemption Fund applied to payment of county warrants.

619. (Sec. 5.) All Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed.

Repealing.

PART XII.

SPECIAL AND LOCAL ACTS APPLICABLE TO LEMHI COUNTY.

AN ACT entitled "An Act creating and organizing the
County of Lemhi."
[Approved January 9, 1869.]

SECTION

620. County of Lemhi, creation of, bound-
aries.

SECTION

621. County Seat, location of.

Be it enacted by the Legislative Assembly of the Terri-
tory of Idaho, as follows:

620. (Section 1.) That all that portion of Idaho Territory
contained within the following boundaries to wit: Com-
mencing at a point on the boundary line between the Terri-
tories of Idaho and Montana, directly north of the conflu-
ence of the middle fork of Salmon river with the main Sal-
mon river, thence south to the northern line of Custer
County, thence along said line of Custer County in a north-
easterly direction to the confluence of the Pahsimeroi with
the Salmon river, thence in a south-easterly direction along
said line of Custer County to the north line of Alturas
County, at the point where said last named line meets the
east line of Custer County, thence east along said north
line of Alturas County to the north-east corner of Alturas
County, thence north to the south line of Montana Territory,
and thence north-westerly along the line between Montana
and Idaho Territories, to the place of beginning, be and the
same is hereby organized into the County of Lemhi.

[As amended, Act January 8, 1881.]

County seat,
location of.

621. (Sec. 2.) The County Seat of said County of Lemhi
shall be and the same is hereby located at Salmon City.

LEGALIZING CERTAIN RECORDS IN LEMHI COUNTY.

AN ACT legalizing certain Records in Lemhi County.
[Approved February 1, 1881.]

SECTION

622. Legalizing records.

Be it enacted by the Legislative Assembly of the Terri-
tory of Idaho, as follows:

622. (Section 1.) That all conveyances, mortgages, trans-
fers, claims, liens, notices, of mining locations, and instru-
ments of every kind or nature relating to real or personal
property, situated at the time of such record within those
portions of Lemhi and Alturas Counties embraced within
the territory included within limits of the County of Custer,
and recorded in the County of Lemhi prior to the taking
effect of the Act entitled, "An Act to create and organize
the County of Custer," approved January 8, 1881, are hereby
legalized and declared as valid to all intents and purposes

Legalizing
records.

as if the same had been duly recorded in the proper county.

Stallions and other animals running at large in Lemhi and other Counties. See Part II, Secs. 117 to 120.

Apportionment of indebtedness between Lemhi and Custer Counties. See Part II, Secs. 122 to 124

PART XIII.

SPECIAL AND LOCAL ACTS, APPLICABLE TO NEZ PERCE COUNTY.

AN ACT defining the boundaries of Nez Perce County.
[Approved January 9, 1867.]

SECTION
623. Boundaries of Nez Perce County.

Defining
boundaries.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

623. (Section 1.) That all that portion of Idaho Territory contained within the following boundaries, to-wit: Beginning at the middle channel of Snake river, opposite the mouth of Clearwater river; and thence due north along the westerly line of Idaho Territory to the main divide between the waters of the Palouse river and Lah-toh, or Hangman's creek; thence easterly to the westerly line of Shoshone County; thence southerly along said line to the Clearwater river; thence up the south fork of Clearwater river to Lolo creek; thence with Lolo creek in an easterly direction to the north line of Idaho County; thence along said north line of Idaho County to the mouth of Salmon river and the center of the channel of Snake river; thence down the center of the channel of Snake river to the place of beginning, shall comprise the County of Nez Perce.

[As amended, Act January 21, 1885.]

CHARTER OF THE CITY OF LEWISTON.

AN ACT to amend the Charter of the City of Lewiston.
[Approved February 9, 1881.]

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

CHAPTER I.

SECTION
629. Limits of boundary.

Limits.

SECTION
630. Incorporation.

629. (Section 1.) That the corporate limits of the City of Lewiston shall be as follows, to-wit: Commencing at the confluence of the Snake and Clearwater rivers, on the boundary line between the Territories of Idaho and Washington, and running thence along said boundary line southward to a point opposite to the subdivision line between lots two and three of section one, township number thirty-five, north of range six west; thence due east on said subdivision line to a point upon the east line of section six, township number thirty-five, north of range five west; thence due north along said line to the mid-channel of the Clearwater river; thence westerly along said channel to the place of beginning.

630. (Sec. 2.) The inhabitants within the City of Lewiston are hereby constituted and declared to be a municipal corporation, by the name and style of the City of Lewiston, and by that name shall have perpetual succession, and may sue and be sued, plead and be impleaded, in all courts of justice, contract and be contracted with, and have and use a common seal, and alter the same at pleasure.

Incorporation.

CHAPTER II.

SECTION
631. Taxes for general purposes
632. Fire department, taxes for, Fire limits
633. Condemn lands for public use, Control of streets
634. Lighting the City
635. Streets, sidewalks, sewers—tax for
636. Sidewalks.
637. Health, Drainage
638. Streets; Grades; Railways
639. Water works by City.
640. Water works by individuals and corporations

SECTION
641. Tax for water works and water rent.
642. Restrain animals running at large
643. Regulate and license saloons, &c.
644. Police.
645. Abate nuisances and restrain gambling houses.
646. Cemeteries.
647. Markets
648. Borrow money.
649. Ordinances, Penal laws
650. Pay of officers and general laws
651. General laws of Territory.

POWERS OF THE CORPORATION.

631. (Sec. 3.) Said city has the power to assess, levy and collect taxes for general municipal purposes, not to exceed one-half per centum per annum, upon all property, both real and personal, within the city limits which is by law taxable for Territorial and county purposes, and to levy and collect special taxes as hereinafter provided; but all taxes for general and special municipal purposes, exclusive of assessments, as hereinafter provided, shall not exceed one and one-half per centum annually on the property assessed.

Taxes for general purposes

632. (Sec. 4.) To make regulations for the prevention of accidents by fire; to organize and establish fire departments, and provide for the government of the same; to provide fire engines and other apparatus, and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed one-fifth one per centum annually, upon the taxable property within the city; and on petition of the owners of one-half the ground included within any prescribed limits within the city, to prohibit the erection within such limits of any building, or addition to any building, unless the outer walls thereof be made of brick and mortar, of iron, or stone and mortar, or other fire-proof material; and to provide for the removal of any building or any addition erected contrary to law.

Fire department.

Tax for.

Fire limits.

633. (Sec. 5.) To purchase, or condemn and enter upon and take any lands within the Territorial limits of the city, for public squares, streets, alleys, parks, commons, cemeteries, hospital grounds, for work houses, house of correction, or any other legitimate municipal purpose, and to enclose, ornament and improve the same, and to erect necessary buildings thereon; and for these purposes may levy and collect special taxes, not exceeding one-fifth of one per centum annually, on the taxable property therein.

Condemn lands for public use

To control all of such buildings, and all lands purchased or condemned under the provisions of this Section, and of all streets, highways, squares, and other public grounds within its limits, established or appropriated to public use

Control of streets and public grounds.

	by authority of law, or which have been or may be hereafter dedicated to public use by any person or persons; and in case such lands are deemed unsuitable or insufficient for the purposes intended, to dispose of and convey the same; and the conveyances of such property, executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said city, or the public, existing prior to such conveyance; but when such lands are so disposed of and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.
Lighting the city.	634. (Sec. 6.) To provide for the lighting of the streets, and furnishing the city with gas or other lights, and for the erection or construction of such works as may be necessary or convenient therefor; and to levy and collect for these purposes a special tax, not exceeding one-fifth of one per centum per annum, upon the taxable property within the limits of the city benefited by such lights, which limits shall be fixed by the city council each year before levying any tax authorized by this Section, and such taxes shall only be assessed and collected from property within said limits.
Tax for.	
Streets and sidewalks.	635. (Sec. 7.) To provide for clearing, opening, graveling, improving, constructing and repairing streets, highways and alleys, and sidewalks and gutters, and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalks; also to regulate cellar-ways and cellar lights, and sidewalks within the city; to provide for clearing the streets and for constructing sewers and cleaning and repairing the same; and to assess, levy and collect, annually a road poll-tax, (not less than one nor more than six dollars), on every male inhabitant of the city between the ages of twenty-one and fifty years, excepting persons who are a public charge; also a special tax on property of not less than two, or more than five mills per centum, annually, on the taxable property within the city; which taxes shall be expended for the purposes specified in this Section except sidewalks.
Sewers.	
Special tax for.	
Sidewalks.	636. (Sec. 8.) The Council, whenever it is deemed expedient to cause sidewalks to be constructed, repaired or kept in order, may, by ordinance, provide for the same. If any person owning real estate within the city shall refuse or neglect to build or repair said walks, according to the requirements and provisions of said ordinance, for sixty days after its publication, the Council shall cause said walks to be constructed or repaired and pay for the same out of the general street funds; and the expense thereof shall be assessed on the real property along which said walks are built, and collected as other taxes are collected.
Health.	637. (Sec. 9.) To make regulations for preserving the health of the citizens, and to prevent the introduction of contagious diseases into the city; and for these purposes to remove persons affected with contagious diseases to suitable hospitals provided for the same, and to provide for their support, and to cause any lot of land within their limits, on which water at any time becomes stagnant to be drained or filled up; to regulate, control and enforce the building and cleaning of vaults within the city; and in case of a failure or refusal of the owner of property to comply with the requirements of any ordinance or resolution of the City
Drainage.	

Council with reference to such matters, after such notice as in such ordinance or resolution may be prescribed, the work necessary may be done at the expense of the city, and the amount so expended shall be assessed as a tax upon such property, and shall be collected as other assessments.

638. (Sec. 10.) To provide for the survey of the blocks and streets of the city, and for the making and establishing of the boundary lines of such blocks and streets, and to establish the grades of all streets within the city, and to lay off, widen, straighten, name, change, extend, vacate and establish streets, highways and alleys, and all public grounds, and to provide for the condemnation of such real estate as may be necessary for such purposes; and to authorize and forbid the location or laying of tracks for railways and street railways on all streets, alleys and public places; but no railroad track can thus be located and laid down until after the injury to property abutting upon the street, alley or public place upon such track, is supposed to be located and laid down, has been ascertained and compensated for in the manner hereinafter provided.

Streets.

Grades

Railways

639. (Sec. 11.) To erect and maintain water works, or to authorize the erection and maintenance of the same, for the purpose of furnishing the city with water; but no such works shall be erected by the city until a majority of two-thirds of the members of the City Council shall vote therefor:

Water works
by the city.

To construct or authorize the construction of such water works without the limits of the city, and to purchase the right of way for the same, and for the purpose of protecting and maintaining the same from injury and the water from pollution, the jurisdiction of the city shall extend over the territory occupied by said works, and all reservoirs, streams, trenches, pipes and drains used in and necessary to the construction, maintenance and operation of the same, and over the streams or source from which the water is taken, for five miles above the point from which taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect.

640. (Sec. 12.) If the right to construct and operate such water works is granted to private individuals or corporations, it may make such grant to inure for the term of twenty-five years and may authorize such individual or company to charge and collect from each person supplied by them with water, such water rent as may be agreed upon between such individuals or corporation in building such work. And said city is authorized and empowered to enter into a contract with the individual, or corporation, or company, constructing such works, to supply the city with water for fire purposes, and for such other purposes as may be necessary for the health and safety thereof, and to pay therefor such sum as may be agreed upon between said contracting parties, and to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water works; and if the construction and operation of such water works is done by individual or private corporations, the city may confer by ordinance, upon such individuals or corporations, the said power to take and appropriate private property for such purposes, on paying damages therefor.

Water works by
individuals as
corporations.

Tax for water works

641. (Sec 13.) To levy and collect a special tax, at the regular time of levying taxes of each year, not exceeding one-half of one per centum of the taxable property within said city, for the purpose of constructing such water works; but no tax shall be levied for the purpose of aiding any private individual or corporation; and when such works shall have been constructed, the city shall have power to assess and collect, from time to time, in such manner as the City Council shall deem equitable, from each tenement or other place supplied with water, such water rent as may be deemed reasonable; and at the regular time for levying taxes in each year, the city may levy and collect in addition to the tax already authorized by this Section, a special tax on taxable property within the limits, sufficient with the water rents hereby authorized, to pay the expenses of running and operating such works; and if the right to build, maintain and operate such water works shall be granted to a private individual or corporation, and the city shall contract with such individuals or corporations for a supply of water for any purpose, the city shall levy and collect each year a special tax to pay said water rent; *Provided*, that said taxes shall not exceed one-half of one per centum annually, within the limits benefited by such works; which limits shall be fixed by the City Council each year, before levying any tax authorized by this Section; and said taxes shall only be assessed, levied and collected on property within said limits.

Tax for water rent.**Restrain and control animals running at large.**

642. (Sec. 14.) To regulate and prevent domestic animals running at large, and to license, tax, regulate and restrain the keeping of dogs within its limits, and to authorize the distraining, impounding and sale of the same for the penalty incurred and cost of proceeding, or may authorize their destruction.

Regulate and license, industries, saloons, etc.

643. (Sec. 15.) To regulate, license and tax all carts, drays, wagons, carriages, coaches and omnibuses, and other vehicles kept for hire, and to fix the rates thereof; to license, tax and regulate, or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers; to license, regulate, restrain and to prohibit, for cause, drinking saloons, beer shops, breweries, or other places where intoxicating and other beverages are sold or disposed of in less quantities than one quart; but no license shall be required of apothecaries or druggists for the sale of wines, spirits, or malt liquors for medical purposes; to license, tax and regulate wash-houses, and to prescribe and regulate the places for the same, and the persons who shall carry on the same; to license and tax hotels, livery stables, and wholesale and retail establishments of every kind and description; *Provided*, that no tax or license shall be imposed for the sale, inside its limits, of any natural products of the country, nor shall they be imposed upon wheelwrights, carpenters, blacksmiths, boot and shoe makers, tailors, milliners and dress-makers, and other mechanical arts.

Police.

644. (Sec. 16.) To establish and maintain a police, and to provide for the election and appointment of such police officers as may be necessary, who shall have full power to make arrests with or without warrants, within or without

the city; to summons aid and to exercise all powers necessary and requisite for the prevention of crime, or apprehension of offenders; and in all cases where arrests are made for offenses tried under the general laws of the Territory before Justices of the Peace or other Territorial courts, such police officers shall be entitled to receive the same fees as Sheriffs or Constables, for the same service.

645. (Sec. 17.) To prevent injury or annoyance from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated; to restrain and punish any disturbance, or any unlawful or indecent practices; to provide for the support and employment of vagrants and paupers; to suppress, prohibit, restrain and regulate the use of opium and opium houses, disorderly houses, houses of ill-fame, or gambling houses; and to authorize the destruction of all instruments or devices used for purposes of gambling or gaming; to regulate the transportation and keeping of gunpowder or other combustibles, and to provide or license magazines for the same; to prevent and punish fast or immoderate riding or driving upon the streets or public places; to regulate the speed of trains and locomotives on railways over the streets or within the limits of the city; to prevent any riots, noise or disturbance, or disorderly assemblages; to protect the property of the corporation, or its inhabitants, and to preserve peace and order therein.

Abate nuisances and restrain gambling, houses of ill-fame, etc.

646. (Sec. 18.) To establish cemeteries and improve the same, and to regulate the burial of the dead therein, and to prevent the burial outside thereof.

Cemeteries.

647. (Sec. 19.) To establish and regulate markets, and to provide for the measuring or weighing of hay, coal and other articles of sale.

Markets.

648. (Sec. 20.) To borrow money on the credit of the city, for any purposes within the authority of the corporation; but the indebtednesses of the city shall not exceed in the aggregate the sum of thirty thousand dollars, and any debt or liability incurred in excess of said sum shall be invalid and void.

Borrow money.

[As amended, Act February 5, 1885.]

649. (Sec. 21.) To adopt ordinances for the government of the city and to carry into effect the power given by this Act; to provide for the punishment of any violation of any ordinance of the city by a fine not exceeding one hundred dollars, or imprisonment for not more than thirty days, or both, or by a forfeiture or penalty not exceeding one hundred dollars, and for the working of any one sentenced to such imprisonment or committed in default of the payment of any such fine, during the term thereof.

Ordinances

Penal laws.

650. (Sec. 22.) To establish and regulate the fees and compensation of all its officers except when otherwise provided. Said city shall have all other powers and privileges not herein specially enumerated as are incident to municipal corporations of like charter and degree, not inconsistent with the laws of the United States, or of this Territory, and as may be necessary for the carrying into effect the provisions of this Act, according to the true intent and meaning thereof.

Pay of officers and general powers

651. (Sec. 23.) No general laws of the Territory shall have the effect to alter or amend this charter, or any of the

General laws of territory.

provisions thereof, when inconsistent therewith, unless the Act enacting said laws clearly expresses such intention by a reference to the said charter.

CHAPTER III.

SECTION
652. Council
653. Aldermen.
654. Wards.
655. First election.

SECTION
656. Mayor, election of
657. Other officers, election of.
658. Qualification for office

GOVERNMENT.

652. (Sec. 24.) The power and authority hereby given to the city of Lewiston by this Act, shall be vested in a Mayor and Common Council, together with such other officers as are in this Act mentioned, or may be created under its authority.

653. (Sec. 25.) The Common Council shall consist of six aldermen. They shall be elected for two years, and shall hold their offices until their successors are elected and qualified; *Provided*, that at the first annual election three of the six members shall hold their offices for one year only, and if such city shall be divided into two or more wards, the Council shall make an equitable apportionment of the members holding for different terms, among the several wards, so that at each election there may be at least one member from each ward elected.

654. (Sec. 26.) For the purposes of the first election, and until further ordered by the Council, said city shall be divided into two wards as follows: All that portion lying west of a line extending from the southern boundary of said city, northerly along the center of Fifth street to the north boundary of the city, shall be known as ward number one; and all that portion lying east of said line, shall constitute and be known as ward number two.

655. (Sec. 27.) At the first election, there shall be elected three members from each ward, for the full term of two years; *Provided*, that at the first regular meeting after such election, the Council shall make an equitable apportionment of the members holding for different periods among the several wards, and when such apportionment is made, the members to hold for two years shall be chosen by lot, in the presence of the Mayor and Council, in such alternate manner that at least one member from each ward may be secured for such period of two years; *Provided*, however, that the members of the Council, elected under the present charter of said city, shall continue to hold their said office until the first election provided for in this Act, and until their successors are elected and qualified.

656. (Sec. 28.) The Mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified.

657. (Sec. 29.) There shall be elected, as hereinafter provided, a Marshal, Clerk, Attorney, Treasurer, Health Officer, City Surveyor, Street Commissioner and Assessor, who shall be officers of the municipal corporation.

The Marshal and Treasurer shall be elected by the qualified voters of the corporation, and hold their office for one year, or until their successors are elected and qualified.

Other officers,
election of.
City of Lewis-
ton Charter
sec. 29
amended
S.L. '13 c. 4
sec. 1, p. 7

The Common Council shall, annually, at the first regular meeting thereof after the qualification of the members thereof elected at each annual city election, elect by ballot a Clerk, Attorney, Health Officer, Surveyor, Street Commissioner, and Assessor, for the ensuing year, and until their successor is elected and qualified; and any qualified elector of said city may be elected to one or more of said offices; and the Council may at any time remove any of said officers for malfeasance, inattention or incompetency.

The Justices of the Peace elected for the precinct in which the city is located, and residing within the city, shall have jurisdiction over all crimes defined and by (any) ordinance of said city, and of all other actions brought to enforce or recover any penalty or forfeit declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and to pronounce judgment in accordance therewith.

Justices of the
peace

All civil or criminal proceedings before said Justices of the Peace, under and by authority of this Act, shall be governed and regulated by the general laws of this Territory relating to Justices of the Peace, and to their practice and jurisdiction, and shall be subject to review in the District Court of the proper district by certiorari or appeal, the same as other cases.

Jurisdiction.

658. (Sec. 30.) No person is eligible to any office in said city, who at the time of election is not entitled to the privileges of elector according to the laws of this Territory, and who has not resided in said city for thirty days next preceding said election.

Qualification for
office.

CHAPTER IV.

SECTION

- 659. General election
- 660. Electors, qualification of.
- 661. Vote shall be by ballot
- 662. Notice of election
- 663. Election, when to commence
- 664. Judges of election.

SECTION

- 665. Canvass of votes, Tie votes decided
- 666. Council judge of qualifications of members.
- 667. Term of office; when to commence
- 668. Qualify, how.

ELECTIONS.

659. (Sec. 31.) There shall be a general election for all city officers required to be elected under this Act, on the second Monday in June of every year.

General election.

660. (Sec. 32.) No person is qualified to vote at any election under this Act who does not possess the qualifications in Sec. 30 of this Act for officers, and who, if under fifty years of age, has not paid either a poll or property tax, if any has been assessed, for the fiscal year then last past, such payment to be proven by the proper official receipt therefor, or other record evidence, except when for good cause such evidence cannot be produced it may be proven by the oath of the person offering to vote.

Electors, quali-
fications of.

661. (Sec. 33.) That at all elections for city officers, the vote shall be by ballot.

Vote by ballot.

662. (Sec. 34.) The Clerk under the direction of the Council, shall give ten days' notice, by posting the same in at least two public places in each ward of the city, or by publication in some newspaper published in said city, of

Notice of elec-
tion

such general election, the officers to be elected, the place designated for holding the election, and the judges and clerks appointed to conduct the same.

663. (Sec. 35.) All elections shall commence at twelve o'clock M. and continue until six o'clock P. M. of the same day without closing the polls. If any judge of an election fails to attend and serve at the proper time, the voters of the ward then present may elect another in his place, and if any clerk fails to attend and serve at the proper time, the judges of the election may appoint another in his place.

Judges of election.

664. (Sec. 36.) Judges and clerks of election must possess the qualifications of voters in the ward where they act, but a mistake or error in this respect, or a failure to give notice of election as required by this Act, shall not invalidate any election otherwise legal. The judges of election and clerks shall make a full and complete return of the votes cast at any election, and sign the same, and deposit the same, within forty-eight hours after the day of said election, with the City Clerk.

Canvass of votes.

665. (Sec. 37.) Within ten days after any election, at any general or special meeting, the City Council shall canvass the return thereof, and a written statement of said canvass shall be made and signed by the presiding officer of the Council at the said canvass, and attested by the clerk and immediately filed with the clerk. Such written statement shall contain the whole number of votes cast at said election, the name given for any person for any office, and the names of persons elected to such office.

The votes, how decided.

Provided, that if the requisite number of officers shall not be elected, by reason of two or more persons having an equal and highest number of votes, for one and the same office, the Council shall give notice to the several persons so having an equal number of votes to attend at the Council Chamber at an appointed time, and the said Council shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes, shall be deemed duly elected; and a certificate of election shall be duly issued to the person thus declared elected as herein-after provided. Within two days after said canvass is filed, the Clerk shall make and sign a certificate of election for each person declared thereby to be elected, and deliver the same on demand to the said person.

Certificate of election.

Council judge of qualification and election of its members.

666. (Sec. 38.) A certificate of election is *prima facie* evidence of the matter therein stated, but the Council is the final judge of the qualifications and election of the Mayor, and its own members. A contested election for any office must be determined by the Council according to the laws of the Territory, regulating the proceedings in contested elections for county officers.

Term of office, when to commence.

667. (Sec. 39.) The term of office of every one elected to office under this Act, shall commence on the 1st day of July of each year. Any person elected to any office who shall fail to qualify by filing a bond, or taking the oath of office, or both, as is herein provided, on or before the said 1st day of July, after his election, shall be deemed to have declined said office; and said office shall become vacant, except in cases of contests, in which case such person must qualify within ten days from the determination of such contest.

668. (Sec. 40.) All persons elected under this Act before entering upon the duties of his office, shall take and file with the Clerk an oath to the following effect: I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States, and the organic Act of this Territory, and that I will to the best of my ability faithfully perform the duties of, during my continuance in said office, so help me God, and file an official bond when required. Qualify, how

669. (Sec. 41.) All laws of this Territory regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections under this Act, unless as herein otherwise provided. General territorial laws

CHAPTER V.

SECTION
670 Vacancies in office
671 Vacancies, how filled

SECTION
672 Qualification of officers appointed.

VACANCIES IN OFFICE.

670. (Sec. 42.) An office becomes vacant upon the death, removal, or resignation of the incumbents, or a failure to qualify as required by law.

Any office may be declared vacant by the City Council when the incumbent thereof shall have been absent from the city, without leave of the Council first obtained, for the period of sixty days, excepting that the office of any Alderman who shall neglect and refuse to attend the regular meetings of the Council six consecutive times, without leave of the Council first obtained, may be declared vacant by the Council. Vacancies.

671. (Sec. 43.) A vacancy in any office shall be filled by the Council at a regular meeting. Vacancies, how filled.

672. (Sec. 44.) An officer appointed to fill a vacancy shall fill said office until the next regular city election, and must within five days after being notified of his appointment by the Clerk, qualify therefor, as in the case of an officer elected, or he shall be deemed to have declined and the office shall be considered vacant. Qualification of officer appointed.

CHAPTER VI.

SECTION
673 Legislative power.
674 Regular meetings
675 Quorum.
676 Government of Council

SECTION
677. Punishment of members
678 Mayor, duties of.
679 Annual meeting.
680 Quorum.

ORGANIZATION AND POWERS OF THE COUNCIL.

673. (Sec. 45.) The City Council shall have all the legislative powers granted by this Act, and all other corporate powers of the city not herein or by some ordinance of the city conferred on some other officer. Legislative power.

674. (Sec. 46.) The Council shall provide for the time and place of its regular meetings, at any of which it may adjourn until its next regular meeting, or to any intervening time, and it may be convened by the Mayor or any two aldermen, at any time, upon a days' notice given to each member thereof in the city. Regular meetings.

Quorum.

675. (Sec. 47.) A majority of the members of the Council shall constitute a quorum, but a less number may adjourn from time to time and compel the attendance of absent members.

Government of council.

676. (Sec. 48.) The Council may adopt rules and regulations for the government of the conduct of its members, and its proceedings. It may require of any of the city officers, such official bonds for the faithful discharge of their duties as they may deem expedient, and provide by ordinance for the giving, filing approval and prosecution of such bonds. It shall keep a journal of its proceedings, and on the call of any one of its members must cause the ayes and nays to be taken and entered in the journal upon any question voted upon. Its deliberations and proceedings must be public.

Punishment of members.

677. (Sec. 49.) The Council may punish any member for disorderly conduct, at any meeting, or for refusing or neglecting to attend any meeting without sufficient cause; and may by a two-thirds vote expel a member.

Mayor, duties of.

678. (Sec. 50.) The Mayor is ex-officio president of the Council, and shall preside over its deliberations when he is present, but shall not vote, except in case of a tie in the vote of the members present and voting; in which case he shall have the casting vote. He has authority to preserve order, enforce the rules of the Council and determine the order of business, subject to such rules and to an appeal to the Council. In the absence of the Mayor at any meeting, the Council must appoint one of their member president, to serve during the meeting or until the Mayor attends.

Annual meeting.

679. (Sec. 51.) On the first secular day of July, there must be a regular annual meeting of the Council, and such meeting is appointed by this Act, and no notice or call thereof is necessary.

Quorum.

680. (Sec. 52.) A majority of the whole number constituting the Council is a majority within the meaning of this Act, and not otherwise, unless expressly so provided. The concurrence of a majority of a quorum is a sufficient majority to determine any question or matter other than the final passage of an ordinance.

CHAPTER VII.**SECTION**

681. Mayor, duties of.
682. Approve bonds.
683. Other duties.

SECTION

684. Veto power.
685. Mayor, pro tem.

THE MAYOR, HIS POWER AND DUTIES.**Mayor, duties of.**

681. (Sec. 53.) The Mayor is the executive officer of the corporation. It is his duty at the first regular meeting in July and January, to communicate by message to the Council a general statement of the condition and affairs of the corporation; and to recommend the adoption of such measures as he may deem expedient and proper, and to make special communications to the Council from time to time as he may think proper.

Approve bonds

682. (Sec. 54.) He shall take and approve all official undertakings which the ordinances of the city may require from any officer, or any undertaking which may be required

of contractors for the faithful performance of official duty, or of contracts, and approve the same and file immediately with the City Clerk.

683. (Sec. 55.) He shall perform such other duties and exercise such other authority as may be prescribed by this Act, any city ordinance, or law of the United States, or of this Territory. Other duties.

684. (Sec. 56.) Any ordinance which shall have passed the Council shall, before it becomes a law, be presented to the Mayor for his approval. If he approves the same he shall sign it; if not, he shall within ten days return it with his objections in writing to the council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same. If after such reconsideration two-thirds of the Council shall vote to pass the same, it shall become a law. Veto power.

685. (Sec. 57.) During any temporary absence of the Mayor from the city, or if he be unable to act, the Council shall elect one of their members who shall be the acting mayor, and perform all the duties of such office during such temporary absence or inability, except as is otherwise provided by this Act. Mayor pro tem.

CHAPTER VIII.

SECTION	SECTION
686. City Attorney	695. Appeal from Assessment
687. Clerk.	696. Manner of Assessment.
688. Accounts	697. Marshal; Deputy.
689. Warrants	698. Marshal's Record
690. Books of Account	699. Justice of the Peace, Bonds
691. Treasurer	700. Other Officers.
692. Account of Treasurer	701. Official Books
693. Treasurer's Report.	702. Inspection of Books
694. Assessor.	

THE POWERS AND DUTIES OF OTHER OFFICERS.

686. (Sec. 58.) The City Attorney shall represent the city in all suits or proceedings in which the city is legally interested, and give his advice and opinion in writing concerning any matter in which the city is interested, when required by the Mayor or Council; but the city may employ additional counsel when deemed advisable by the Council. City attorney.

687. (Sec. 59.) It shall be the duty of the Clerk to keep a fair and correct journal of the proceedings, and to file and keep all papers and books of the City Council. The Clerk is authorized to administer any oath required to be taken in connection with the duties of his office. Clerk.

688. (Sec. 60.) All demands and accounts against the city must be presented to the Clerk with the necessary evidence in support thereof, and he must submit the same to the Council, who shall by a vote direct whether the same shall be paid or any part thereof, as they may deem it just and legal. Accounts.

689. (Sec. 61.) When the Council orders any demand or account to be paid, if money has been appropriated for that purpose, and not otherwise, the Clerk must draw a warrant upon the Treasurer for the amount ordered paid, which warrant must be drawn on the special or general funds appropriated therefor, and be signed by the Mayor and attested by the Clerk. Warrant on treasury.

Books of account.

690. (Sec. 62.) The Clerk must keep proper books of account, showing therein all sums appropriated, the date thereof, and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and all such other matters and things as may be prescribed by ordinance, or proper and necessary to a correct understanding of the city finances.

Treasurer.

691. (Sec. 63.) The Treasurer is receiver of taxes, and must receive and keep all money that shall come to the city by taxation or otherwise, and pay out the same upon the warrant of the Mayor, attested by the Clerk.

Account of treasurer.

692. (Sec. 64.) The Treasurer must keep an account with the General Fund and a separate account with each special fund that may be raised for any specific object; and when a warrant is drawn on any particular fund it can only be paid out of such fund.

Treasurer's report.

693. (Sec. 65.) The Treasurer must make a report of the receipts and expenditures to the Common Council at the first regular meeting in the months of January and July of each year; which report shall be published in any newspaper published in the city.

Assessor.

694. (Sec. 66.) The Assessor must annually make a correct list of all the property subject to taxation by the city, with the valuation thereof, and certify and return the same to the Clerk.

Appeal from assessment.

695. (Sec. 67.) The City Council shall sit on the fourth Monday in August as a Board of Equalization, and shall have the same powers as a Board of Equalization as is given to the County Board of Equalization; and any person feeling himself aggrieved by any assessment, either in the valuation or listing of the property, may apply to the Council sitting as a Board of Equalization, to have such assessment revised, and if the Board of Equalization deem the same erroneous, they must correct it. The party applying for such correction may be examined as a witness in relation to the matter if he so desire, or the Board require it. And that the word *twenty* in the fourth line of Sec. 20 be changed to thirty.

[As amended, Act February 5, 1885.]

Manner of assessment.

696. (Sec. 68.) The assessment of property must be made in the manner prescribed by law for assessing property for Territorial and county taxes: But the form of assessment roll, and the rule for ascertaining the ownership of property, and in whose name it may be assessed, may be prescribed by ordinance, and the time of making such assessment and the return thereof, and of applying to the Council for a revision thereof, must be prescribed by ordinance.

Marshal.

697. (Sec. 69.) The Marshal is a peace officer, and must execute all process issued by the Justices of the Peace of the city, or directed to him by any magistrate of the Territory. He must attend regularly upon the courts of said Justices of the Peace, and meetings of the Council. He has power, by and with the approval of the Council, to appoint one or more deputies, who shall possess the same power. He shall make arrests for breach of the peace, or for commission of a crime within the city limits, with or without warrant, as a peace officer may do under the laws of the Territory. He shall exercise a vigilant control over the

Deputy.

peace and quiet of the city, and he is the keeper of the city prison, unless otherwise prescribed by ordinance.

698. (Sec. 70.) The Marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made; and must make a full and complete report in writing each month to the City Council. -

Marshal's
record.

699. (Sec. 71.) The Justices of the Peace of the city shall, before exercising any of the functions of his office, as such, give a bond to the city in such sum and such conditions as the Council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this Act, and he must pay to the Treasurer monthly all such moneys, and take duplicate receipts therefor, one of which he must file with the Clerk.

Justice of the
Peace.

Bonds.

700. (Sec. 72.) The powers and duties of all other officers of the city shall be as prescribed by ordinance.

Other officers.

701. (Sec. 73.) The official books and papers of all the city officers are city property, and must be kept as such by such officers during their continuance in office, and delivered to their successors.

Official books.

702. (Sec. 74.) The official books and papers of any officer mentioned in this Act may be inspected at any time by a committee of the council appointed for that purpose.

Inspection of
books

CHAPTER IX.

SECTION.
703. Ordinances.

SECTION.
704. Ordinances recorded and published

ORDINANCES.

703. (Sec. 75.) The style of every ordinance shall be: "The City of Lewiston does ordain as follows." All ordinances and resolutions or rules for the appropriation or payment of money, shall require for their passage and adoption the concurrence of a majority of all the members of the Council. No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no ordinance or section thereof shall be revised or amended unless the new ordinance contain the entire ordinance or section revised or amended, and the ordinance or section so amended shall be repealed.

Ordinance.

704. (Sec. 76.) All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signature of the presiding officer and the Clerk; and all those of a general or permanent character, and those imposing any fine, penalty or forfeiture, shall be published in some newspaper of general circulation within the city, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture, to show that no such publication was made, and no such ordinances shall take effect and be in force until the expiration of five days after they have been published.

Ordinances re-
corded and
published.

CHAPTER X.

SECTION.

705. Road poll tax
 706. Interest on delinquent taxes
 708. Delinquent tax roll.
 709. Civil actions to collect taxes.
 710. Notice to be given.
 711. Real property taken for tax when no personal.
 712. Execution, how levied

SECTION.

713. Former taxes, collection of.
 714. Deed to be made.
 715. Redemption
 716. Property sold in lots.
 717. Personal property.
 718. Council may order warrant
 719. All property subject to levy

Road poll-tax.

705. (Sec. 77.) The Assessor shall, annually, make out a list of the names of all persons within the city liable to pay a road poll-tax, as provided in this charter; and at the time of making such list the Assessor shall demand from each person the road poll-tax levied for said year by the Council, and if the said road tax is then paid the Assessor shall mark the same paid on said list, and give to the person so paying a receipt therefor, and the said list shall be returned to the Council with the return of his assessment of property, and he shall pay over to the City Treasurer the money received by him and take his receipt therefor, and file the same with the City Clerk. The said poll-tax list shall be given to the City Marshal, and he shall at once proceed to collect the unpaid poll road tax thereon from the persons named on said list. The Marshal shall also place upon said list the names of all persons found in said city liable to pay said poll-tax who shall fail to produce a receipt for the payment of a road poll-tax for the current year. He shall demand the amount due from each person named on said list when assessable, and shall proceed at once to collect the same from any person who shall fail to pay the same when so demanded, by levy and sale of personal property of such person so delinquent, or sufficient thereof for that purpose, and to pay the expenses of the levy and sale; *Provided*, that the Council may allow any person to pay said poll-tax in work upon the streets of the city, under the direction of the Street Commissioner, at the rate of two dollars per day.

Any person having men employed, either for himself or company, shall, when required, provide a list of the names of all such persons so employed liable to pay such road poll-tax, and if such employer or his agent shall fail to furnish such list, or shall furnish an incomplete or otherwise incorrect one, then such employer or company shall be liable to pay such road poll-tax of his or their employees, and shall pay the road poll-tax, due by such men so employed, on being notified in writing by the Marshal.

Interest on delinquent taxes.

706. (Sec. 78.) Whenever any special or general tax has been levied as provided, and authorized by chapter two of this Act, every part thereof shall bear interest at the rate of one and one-half per cent. per month, from the time it becomes delinquent until paid, and shall be a lien from said date, upon any real property owned by the party assessed.

Delinquent taxes.

707. (Sec. 79.) The City Council must provide by ordinance within what time all taxes levied, as provided and authorized by the provisions of chapter two of this Act, may be paid to the Treasurer; and all taxes not paid within such time are thereafter delinquent taxes, and shall be collected as such with ten per cent. per annum additional.

708. (Sec. 80.) Within five days from the expiration of the time limited for paying taxes to the Treasurer, the Treasurer must return the tax roll to the Council, distinguishing thereon the taxes paid and those remaining unpaid.

Delinquent
tax roll.

709. (Sec. 81.) The Council must thereafter order the City Clerk to deliver the said delinquent tax roll to the City Attorney, with directions thereon requiring said Attorney to commence civil actions against all persons whose taxes are marked delinquent thereon, within ninety days after the said delinquent roll is delivered to him; *Provided*, that the Council may by resolution, for cause, except any whose names appear thereon as delinquent from said civil action.

Civil actions to
collect taxes.

710. (Sec. 82.) The City Attorney shall give notice in a newspaper of general circulation in said city, that said delinquent tax roll is in his hands for collection, and shall give thirty days after the first publication of said notice before commencing action for the payment of said taxes.

Notice to be
given.

At the expiration of said thirty days, the said Attorney shall proceed to collect such taxes with interest and costs, as remain delinquent according to the territorial laws and regulations for the collection of delinquent taxes. After action commenced, on settlement of the same before trial, there shall be taxed as cost an attorney fee of five dollars; and on final judgment there shall be taxed as costs in addition to other costs an attorney fee of ten dollars.

711. (Sec. 83.) If personal property be not found whereon to levy the execution issued on the judgment obtained in said action, or if levied upon it is not sufficient to pay the judgment, levy shall be made upon the real property of the person, firm or corporation against whom the tax is levied or charged, or sufficient thereof to satisfy said execution, including interest, fees of officers, and all expenses of sale.

Real property to
be taken when
no personal

712. (Sec. 84.) In case of delinquent tax levied upon real property in the name of an owner unknown, the execution shall be executed by levying upon each lot or part thereof of such property, for the tax levied thereon and selling it separately.

Execution, how
levied.

713. (Sec. 85.) All taxes heretofore levied by the city of Lewiston and remaining unpaid and delinquent may, by order of the Council, be collected from the person, firm or corporation, whether known or unknown, against whom the same was charged or levied by execution in the same manner, and with the effect provided in this chapter for the collection of delinquent taxes.

Former taxes.

714. (Sec. 86.) When real property is sold for delinquent taxes, the person executing the execution must immediately make a deed for such property to the purchaser, stating therein that the same is made subject to redemption as provided by law, and such deed shall convey to the purchasers (subject to redemption) all the estate or interest therein of the owner whether known or unknown.

Deed to be
made

715. (Sec. 87.) Real property sold for taxes, as provided in this chapter, may be redeemed by the owner or his successor or grantee in interest, or any person having a lien thereon, either by judgment, decree, mortgage or otherwise or any part thereof, separately sold, within two years from

Redemption.

the date of the deed therefor, by the payment of the purchase money together with interest on the purchase money from the date of the sale to the time of payment, at the rate of one and a half per cent. per month, and also the amount of any and all taxes which the purchaser may have paid on said land with the same interest thereon. A redemption discharges the property from the effects of the sale, and from the tax levied for which it was sold. If made by the owner or grantee or successor in interest the estate in the property is thereby restored to such owner, grantee or successor in interest, but if made by a lien creditor the amount so paid shall form a part of his lien and bear like interest.

Property sold in lots.

716. (Sec. 88.) In the sale of real property for delinquent taxes, only so much thereof shall be sold as is necessary to pay the required amount. In said sale the said real property shall be sold in pieces and parcels most likely to sell for the amount necessary to pay said taxes and costs, and interests, and legal charges, and the person offering to pay the said amount for the least amount of said real property shall become the purchaser and receive the deed for the amount so purchased.

Personal property.

717. (Sec. 89.) Personal property sold under the authority of this chapter shall be sold to the highest bidder for cash, and the bill of sale therefor shall express the amount for which the same was sold, and the return of the person executing the warrant or execution must specify such consideration and the name of the purchaser.

Council may order warrant.

718. (Sec. 90.) The Council may provide by ordinance within what time a warrant for the collection of delinquent poll-taxes must be returned, and may order an alias warrant to issue for the collection of any such taxes, not made on a previous one. All costs and charges for the collection of delinquent poll-taxes must be made on a warrant, and collected as a part of the tax. The Council may provide by ordinance the fees and compensation for collecting delinquent taxes; but the same shall in no case be paid out of the Treasury of the city.

All property subject to levy.

719. (Sec. 91.) All property subject to levy on execution is subject to levy upon a warrant for the collection of delinquent taxes, or execution in case of judgment, and also all property subject to assessment for taxes as provided for by this chapter whether the same be exempt or not. The City Marshal shall, upon entering upon the discharge of his duties as Tax Collector, give a bond to the city in the sum fixed by the Council, conditioned for the faithful discharge of his duties as Collector, and that he will pay over all moneys collected by him as required by law.

CHAPTER XI.

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MISCELLANEOUS PROVISIONS.

720. (Sec. 92.) The City of Lewiston is not bound by any contract, or in any way liable thereon, unless the same is authorized by a city ordinance, and made in writing, and by order of the City Council signed by the Clerk, or some other person in behalf of the city. But an ordinance may authorize any officer, or agent of the city, naming him, to bind the city without a contract in writing for the payment of any sum of money not exceeding fifty dollars.

Contracts must be in writing.

721. (Sec. 93.) The City of Lewiston shall be liable to any one for any loss or injury to person or property growing out of any casualty, or accident happening to any such person or property on account of the condition of any street or public ground therein: But this Section does not exonerate any officer of such city or any other person from such liability when such casualty or accident is caused by the willful neglect of a duty enjoined upon such officer or person by law, or by gross negligence, or willful misconduct of such officer or person in any other respect.

City liable for injury and losses.

722. (Sec. 94.) No money shall be drawn from the city Treasury but in pursuance of an appropriation for that purpose made by an ordinance; and an ordinance making an appropriation of money must not contain a provision upon any other subject, and if it does, such ordinance, as to such provisions, shall be void and not otherwise.

Money paid as appropriated.

723. (Sec. 95.) A member of the Council for words uttered in debate therein shall not be questioned in any other place.

Members of the council.

724. (Sec. 96.) The fiscal year of the city shall commence on the first day of July and end on the last day of June of each year.

Fiscal year.

725. (Sec. 97.) In any action, suit or proceedings, in any court, concerning any assessment of property, or levy of taxes, authorized by this Act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceedings connected therewith, shall be presumed to be regular and duly taken until the contrary is shown; and when any proceeding, matter or thing is by this Act committed, or left to the discretion of the Council, such discretion or judgment, when exercised or declared, is final, and cannot be reviewed or called in question elsewhere.

Levy of taxes presumed correct.

726. (Sec. 98.) The City Council is hereby authorized to grant the right to use the streets of said city for the purpose of laying gas pipes, intended to furnish the inhabitants of said city with light, to any person or association of persons for a term not exceeding twenty-five years; and the Coun-

Use of streets for improvement.

- oil may adopt such rules and regulations in granting such exclusive right as they may think proper, and as shall not be inconsistent with law.
- Recitals in tax deeds.** 727. (Sec. 99.) In making a deed for real property sold for delinquent taxes, it is not necessary to recite or set forth the proceedings prior to the sale, but it is sufficient, if it substantially appear from such deed, that the property was sold by virtue of an execution duly issued on judgment for a delinquent tax and the amount thereof, together with the date of the sale, and the amount paid therefor by the purchaser.
- No salary to officers.** 728. (Sec. 100.) The Mayor and aldermen are not entitled to, and shall not receive any salary or compensation for their official services.
- Land assessed at cash value.** 729. (Sec. 101.) All real property within the limits of the City of Lewiston not laid off in blocks at the time of making any assessment authorized by this Act, must be assessed at the cash value per acre or fraction thereof, as the case may be.
- Wards.** 730. (Sec. 102.) The City Council may divide the city into not less than two nor more than three wards, and shall apportion the members of the City Council to be elected in each, and provide the places for holding elections in each, and appoint officers for conducting the same.
- Grade of streets, change of.** 731. (Sec. 103.) When the grade of any street, highway or alley shall have been established by authority of the City of Lewiston, and any person or persons shall have built, or made improvements on such street, highway, or alley, and the city shall afterwards change the established grade, or shall change the boundary line of any block, street, highway or alley in such manner as to injure or diminish the value of the property which shall have been improved, the city shall pay to the owner or owners of the property so injured, the amount of such damages, and when the parties interested are unable to agree with the City Council as to the amount so to be paid, the same shall be assessed by three persons, one of whom shall be appointed by the Mayor, one by the owner or owners of the property, and one by the two appointed; or in case of their disagreement, by the City Council. Said appraisers shall be sworn to faithfully execute their duties according to the best of their ability. They shall view the premises, and receive any legal evidence, and may adjourn from day to day, but shall make their report within thirty days from the time of their appointment.
- They shall assess the damage sustained over and above the additional value of the property, by reason of the change or improvements. They shall sign their report and deliver the same to the Clerk of the district court of the district embracing the city, and if no objection is made thereto, in the manner hereinafter prescribed, within twenty days thereafter, the assessment shall be final, and the city shall pay the amount so assessed; and upon filing a precipe therefor the party entitled may have a judgment entered therefor. If the damage so assessed be excessive or insufficient, the Clerk shall, upon filing a written precipe therefor, by the city or any person aggrieved, within said twenty days, enter the case upon the trial docket for the next term. The party

claiming damages shall be the plaintiff, and the city shall be the defendant. The usual pleadings in a civil action may be filed in such special pleadings as the court shall allow, and the issues thus formed shall be tried as other civil actions. The costs shall be taxed against the city only when the judgment is for a larger amount than was awarded by the appraisers; or the same has been tried at the instance of the city for the purpose of reducing the amount of damages, and the damages, are not so reduced, otherwise the costs shall be taxed against the parties claiming damages.

732. (Sec. 104.) The city shall have the power to regulate the running of ferries within the city limits, and to license the same, and to build and maintain bridges or ferries across the Clear Water and Snake rivers; and for the purpose of building and maintaining such bridges or ferries, the city may purchase the right of way beyond its limits, and expend money in the constructing and maintaining such bridges and ferries outside the city limits, and the jurisdiction of the city shall extend beyond the city limits so far as such bridges or ferries, or the approaches thereto may extend; *Provided*, that the city shall have no authority to expend money for said purposes on ferries which do not run to or from some point within the city, or on bridges, some portion of which is not within the city limits.

Regulation of
ferries

733. (Sec. 105.) In all cases where private property is condemned, or taken for public or private use, or by authority of this charter, the city, or the party for whom it is taken shall pay a fair compensation therefor to the owners of such property, and when such owners and the City Council or parties interested, are unable to agree as to the amount of such compensation, the same shall be assessed and determined in the manner provided by the general laws of this Territory relating to the mode of proceeding to appropriate lands by private corporations.

Private prop-
erty for public
use

734. (Sec. 106.) The City of Lewiston shall have the right to commit any person or persons for violating any of the ordinances or laws of the City of Lewiston, to the county jail: until the erection of a city jail. The compensation for keeping city prisoners in said county jail shall be the same as allowed for keeping prisoners in said county, and shall be a charge against said city.

Violation of
ordinances

735. (Sec. 107.) All Acts and parts of Acts that are inconsistent with the provisions of this charter are hereby repealed.

Repealing

736. (Sec. 108.) All city ordinances passed in pursuance of previous Acts or Charters, and in force when this Act takes effect, and not inconsistent therewith, shall be and remain in full force after this Act takes effect thereafter, until repealed by the City Council; and all rights vested or liabilities incurred under any former charter of said City of Lewiston, or any ordinance of said city when this Act takes effect, shall not thereby be lost, impaired, or discharged.

Old ordinances
and rights
validated.

TO AMEND THE CHARTER OF LEWISTON.

AN ACT supplementary to an Act entitled "An Act to amend the Charter of the City of Lewiston," approved February 9, 1881.

[Approved February 10, 1881.]

SECTION

737. Power of City Council to sell and lease city property.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

737. (Section 1.) The City Council of the City of Lewiston, in addition to the powers conferred upon them by the Act to which this is supplementary, shall have power and are hereby authorized to sell or lease the property of said city; also to lease the water-front to any person, steamboat or railroad company, for the purpose of erecting warehouses, wharves, wharf-boats, or for any other purpose which they may deem proper; *Provided*, that said City Council shall, in any such lease, or leases, reserve the right to fix the rate of toll or wharfage.

City council
authorized to
lease city
property.

TO PROVIDE FOR THE ESTABLISHMENT OF GRADED PUBLIC SCHOOLS IN THE CITY OF LEWISTON.

AN ACT to provide for the establishment and maintenance of Graded Schools in the City of Lewiston.

[Approved December 30, 1880.]

SECTION

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739. Voters, qualification of.
740. Directors, election of; Term of office; Vacancy.
741. Incorporation of Board of Directors
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752. Assessor, duties of, How assessment made.
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755. Assessor and sureties liable.
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757. Tax list, when must be completed.

SECTION

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760. Taxes, when paid.
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762. District Attorney, duties of, Compensation
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767. Repeal of authority of Council of City
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769. Fiscal year, when to commence
770. Power to levy tax
771. Records; Evidence.
772. Title to property.
773. Admission to schools.
774. Actions
775. Repealing clause

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

738. (Section 1.) That portion of Nez Perce County in the Territory of Idaho, comprising the City of Lewiston and the school districts attached thereto, described as follows, to-wit:

Commencing at the junction of Snake and Clearwater rivers, and running thence easterly to the west line of the Nez Perce Indian Reservation, thence southerly to the north-east corner of section twenty, of township thirty-five, north of range four, west; thence west on said section line to

Organization of
independent
school district,
No 1 Nez
Perce county.

Boundaries.

Act creating
Ind. School
Dist. No 1
Nez Perce Co.
approved
Dec. 30, 1880
sec. 9
amended
L. '89 c. 92
sec. 1 p. 153

Snake river, and thence northerly along said river to the place of beginning, is hereby organized and established as an independent school district number one, with the powers hereinafter specified.

739. (Sec. 2) All inhabitants of said district, male and female, over the age of twenty-one years, belonging to either of the classes mentioned in section one of an Act entitled "An Act relative to elections," published in the compiled and revised laws of Idaho, 1875, page 684, and not prohibited by Section two of said Act, shall be eligible to office in said district, and shall be entitled to vote at all elections for district officers, and on all subjects and questions submitted to a vote of the electors of said district, at any and all elections held for such purposes.

Legal voting therein.

740. (Sec. 3) The electors of said district shall assemble at the public school house in the City of Lewiston, on the third Wednesday of May, A. D. 1881, and shall then and there choose by ballot, five directors of schools of said district, one of whom shall serve one year, two for two years, and two for three years, the time that each shall serve to be designated on the ballot; and annually thereafter, on the third Monday of May, in the same manner and at the same place in said district, one or two directors, as may be necessary, to succeed the director or directors whose term of office is about to expire, shall be elected, and each of said directors shall serve for the term of three years, and until their successors are elected and qualified. The term of office of said directors shall commence on the first day of July, next succeeding the day of their election. Each director so elected shall file in the office of the Clerk of the district his written acceptance of said office prior to the first day of July, next succeeding the day of his election, and a failure to file said written acceptance shall be deemed a refusal to serve; and it shall thereupon be the duty of the directors holding over to fill such office by appointment, until the next annual meeting, and until their successors are elected or appointed and qualified.

To elect five directors on 3d Wednesday of May, 1881.

Annual election on 3d of May.

Term of office of directors three years.

Vacancy by not qualifying, how filled.

[As amended, Act January 22, 1885.]

741. (Sec. 4.) Said directors and their successors in office shall be a body corporate by the name of the Board of Education of the City of Lewiston, and as such and by such name, shall have perpetual succession. They shall receive all moneys and other property accruing to said district or to said city, or to any part of the same, for the use and benefit of the public schools therein, and succeed to all the rights, and to be subject to all the liabilities of the same.

Incorporation of board of education.

The said Board shall be capable of contracting and being contracted with, suing and being sued, and shall also be capable of receiving any gift, grant, bequest or devise made for the use of the public schools of said district, and of said city, under any law of the Territory, for the use of public schools therein.

Liability.

742. (Sec. 5.) Said Board shall, on the first day of July, A. D. 1881, succeed to all the rights of the Board of Trustees of the districts included within the limits of said independent school district, and all moneys and property belonging to said districts, shall be delivered to said Board of Educa-

Directors to enter upon and assume duties July 1, 1881.

	tion on demand by the person or officer having possession or control of the same.
Office of trustees of old districts vacant on and after July 1st, 1881.	On the 1st day of July, A. D. 1881, the office of those elected and serving as Trustees of said districts shall become vacant, and the said Board of Education shall assume and thereafter exercise full control and management of the school property and common schools of said district.
Annual meeting of board of education July 1st of each year.	743. (Sec. 6.) Said Board of Education shall, on the 1st day July, A. D. 1881, and annually thereafter, unless said day occur on Sunday, or a legal holiday, and in that case on the second day of said month, meet and organize, by choosing from their number a President and Clerk, who shall hold the office for one year, and until their successors are elected and qualified. Said Board may also elect by ballot an Assessor for the district, who shall hold his office for one year from the first day of July of each year. A Superintendent, who shall hold his office during the pleasure of the Board; and the Superintendent, Clerk and Assessor shall receive such compensation for their services as the Board may determine. The Superintendent shall be <i>ex-officio</i> a member of the Board of Education, but not entitled to vote therein. The Board may for satisfactory reasons, remove any member or officer of the Board, and fill the vacancy as provided by Section nine; <i>Provided</i> , that no member shall be removed except at least four members of the Board, at a meeting, of whose object, time and place, said member shall be duly notified.
Members of board, how removed.	[As amended, Act February 7, 1883.]
Who to receive compensation.	744. (Sec. 7.) No other member of said Board shall receive any compensation, except the Clerk, Superintendent and Assessor.
Quorum.	[As amended, Act February 7, 1883.]
Vacancy of board filled by board.	745. (Sec. 8.) Three members of said Board shall constitute a quorum, for the transaction of business at any meeting.
Local and Special Laws of Idaho sec. 746 amended L. '39 c. 92 sec. 1 p. 133	746. (Sec. 9.) In case of a vacancy the Board of Education shall have the power to fill the same by appointment until the next annual district election, when the electors of said district may choose a suitable person to fill the remainder of said term; <i>Provided</i> , the Clerk of said Board shall give notice of said vacancy as required in other cases.
Duties of superintendent.	747. (Sec. 10.) The Superintendent shall visit the schools of the district, and report their condition to the Board, as often as they require. He shall superintend the grading of the schools, and examination for promotion and shall perform such other duties as the Board may prescribe. He shall also make the Territorial Superintendent of Public Instruction such reports as may be required through the County Superintendent of Schools, or directly report to the Territorial department of education.
Officers to file acceptance.	748. (Sec. 11.) The Superintendent, Assessor, Clerk and President, shall file in the office of Clerk of the district their written acceptance of the office as such. The President shall preside over all meetings of the Board, when present. In his absence a President <i>pro tempore</i> may be chosen. He shall sign all orders drawn upon the Treasurer of the district to be paid by him; and perform such other duties as the Board may prescribe.
Duties of president of board.	[As amended, Act February 7, 1883.]

749. (Sec. 12.) The Clerk shall act as Clerk of the District and of the Board of Education when present. In his absence, inability or refusal to act, a Clerk *pro tempore* may be chosen. He shall notify in writing all persons elected or appointed to any office in the district within five days after the election or appointment; give personal notice to each of the directors of the district of special meetings of the Board of Education, on the request of the President or any two members thereof; and give notice of all special meetings of the electors of the district, and the object of the same, at the time and in the manner prescribed by this Act. He shall keep a record of the proceedings of all district meetings, and of the meetings of the Board of Education, and of all reports made by him to the county or Territorial Superintendent of Public Instruction, and to the City Council of the City of Lewiston.

Duties of clerk.

Notify persons elected to office.

Call meetings of the board and district.

Act as clerk of district meetings and of the board of education.

He shall make all reports to the County and Territorial Superintendent of Public Instruction, and to the said City Council required by law to be made. He shall keep an account of the expense of said district, and a correct and full list of the property of the district. He shall, on the order of the Board of Education, draw and sign orders for the payment of money on the Treasurer of the district, stating in every such order the consideration for which it was drawn and the name of the person rendering such consideration, and the particular fund upon which it is drawn, and after said order is signed by the President of the Board, and not before, deliver the same to the party entitled thereto, and take his receipt therefor.

Reports.

Draw orders.

He shall keep all books, records and papers belonging to his office and deliver the same to his successor, and perform such other duties as the Board of Education may prescribe.

[As amended, Act, February 7, 1883]

750. (Sec. 2.) The Assessor of the district shall, before entering upon the duties of his office, make and execute to the Board of Education, a bond in the penal sum of three thousand dollars, with two or more sufficient sureties, to be approved by the said Board, conditioned for the faithful performance of all the duties of his office required by law, which bond shall be filed with the Clerk of the district, together with his oath of office, which shall be in the usual form required by law. In case of a breach of the conditions of said bond, the Board of Education shall cause an action to be commenced in the name of said Board, and the money recovered thereon shall be applied to the use of the district.

Assessor shall execute bond to Board of education.

Amount of bond.

Duty of Board in case of breach of condition of bond.

[Act, February 7, 1883.]

751. (Sec. 3.) The Assessor is hereby authorized to administer all oaths and affirmations contemplated by law in the discharge of his duties as such Assessor.

Authority of assessor.

[Act, February 7, 1883.]

752. (Sec. 4.) Between the first Monday in July and the first Monday in August in each year, the Assessor shall ascertain, by diligent inquiry and examination, all property in the district, real or personal, subject to taxation, and also all persons, corporations, associations, companies or firms owning, claiming or having the possession or control thereof; and he shall then determine the full cash value of all such property, and shall list and assess the same to the

Duty of assessor.

How he shall list property, to whom and for what purpose.

He shall demand from each person a particular description.

Statement shall be entered, when.

In case agent refuses to give description.

Assessor shall make description. Value shall be doubled by assessor and not reduced by board of equalization.

In case owner is absent.

If owner gives false list.

If owner gives false name or refuses to give list of property.

Penalty.

Assessor and sureties liable.

Duty of district attorney of Nez Perce County.

Suit shall not be commenced until.

person, firm, corporation, association or company owning or having the possession, charge or control thereof; for the purpose of enabling the Assessor to make such assessment, he shall demand from each person and firm, and from the President, Cashier, Treasurer or managing agent of such corporation, association or company within the district, a particular description, under oath or affirmation, of all the real estate within the district owned or claimed by, or in the possession or control of such person, firm, corporation, association or company; also a complete statement, under oath or affirmation, of all personal property within said district belonging to said person, firm, corporation, association or company, which statement shall be entered by the Assessor in a book to be kept by him for that purpose, and shall be subscribed and sworn to in every case by the person making the same. - If any person, officer or agent shall neglect or refuse, on demand of the Assessor, to give, under oath or affirmation, a description and statement required by this section, or subscribe and swear to the same, the Assessor shall make the description and statement, as aforesaid, and shall make an estimate of the value of said property which such person, officer or agent neglected or refused to render under oath or affirmation, and the value so fixed shall be doubled by the Assessor, and shall not be reduced by the Board of Equalization. If the owner of any property not listed by any other person shall be absent or unknown, the Assessor shall make an estimate of the value of such property; if the name of the absent owner is known to the Assessor, the property shall be assessed in his, her or their name; if unknown, the property shall be assessed to "unknown owners."

[Act, February 7, 1883.]

753. (Sec. 5.) If any person shall wilfully make or give, under oath or affirmation, a false list of his, her or their taxable property, or a false list of taxable property under his, her or their control, such person shall be deemed guilty of perjury, and upon conviction thereof shall be punished therefor, as is by law provided for the punishment of perjury.

[Act, February 7, 1883.]

754. (Sec. 6.) If any person who shall give the Assessor a false name, or shall refuse to give his or her name, or shall refuse to give a list of property, as is by this Act required, or shall refuse to swear or affirm to such list, he or she shall be guilty of a misdemeanor, and shall be arrested upon complaint, and upon conviction before a justice of the peace he or she shall be punished by a fine, not less than ten dollars or more than one hundred dollars, or by imprisonment for a term of not less than three months, or by both such fine and imprisonment.

[Act, February 7, 1883.]

755. (Sec. 7.) The Assessor and his sureties shall be and they are hereby made liable for the taxable property within the district, when through his neglect it remains unassessed; and it is hereby made the duty of the District Attorney of Nez Perce County to commence suit against the Assessor and his sureties for the amount of taxes due on the property not assessed by him; *Provided*, such suit shall not be commenced

until after the Assessor shall have completed the assessment roll each year. And if any non-assessment was caused by the refusal of the owner, claimant or agent of such property, or of the person or persons having it in possession, or under his or their control, to give a list to the Assessor, the Assessor shall not be liable, but the person whose refusal to give the Assessor a list caused the omission, shall pay double the taxes imposed upon property regularly assessed.

[Act, February 7, 1883.]

756. (Sec. 8.) It shall be the duty of the Assessor to prepare a tax list or assessment roll alphabetically arranged, in the book or books furnished him by the Board of Education for that purpose, in which book or books shall be listed or assessed all the real estate and personal property within the limits of the district. Said assessment roll shall be arranged in the same manner and form as that required by law of the County Assessor of this Territory.

Assessor shall
prepare tax list.
How

How assessment
shall be
arranged.

[Act, February 7, 1883.]

757. (Sec. 9.) On or before the tenth day of August in each year, the Assessor shall complete his tax list or assessment roll, and shall attach his certificate thereto, and deliver it, and all the original lists of property given to him, to the Clerk of the district; and as soon as he receives said assessment roll, the Clerk of the district shall give notice of the fact, specifying therein the time of the meeting of the Board of Equalization by publication in each of the newspapers published in the City of Lewiston; and he shall keep the roll open in his office for public inspection.

Tax lists, when
assessor shall
complete.

[Act, February 7, 1883.]

758. (Sec. 10.) The Mayor and Treasurer of the City of Lewiston, and the President of the Board of Education shall constitute a Board of Equalization, of which the Clerk of the district shall be Clerk. The Board of Equalization shall meet on the third Monday in August in each year, and shall continue in session from day to day until the business of equalization is disposed of. And it shall be the duty of the Board of Equalization to carefully examine the entire assessment roll of the district, and make such alterations as they deem necessary to equalize the assessed valuation of all property within the district; and they shall have power to determine all complaints made in regard to the assessed value of any property appearing on the assessment roll, and may on their own motion change and correct any such valuation, either by adding thereto, or deducting therefrom if they deem the same fixed in the assessment roll too small or too great, whenever said sum be fixed by the owner or Assessor, except that in the case where the person complaining of the assessment has refused to give the Assessor his or her list under oath as required by this Act. No reduction shall be made by the Board of Equalization in the assessment made by the Assessor. And if the Board of Equalization shall find it necessary to add to the assessed valuation of any property on the assessment roll, they shall direct their Clerk to give notice to the person interested by letter, deposited in the post office, express or otherwise, naming the day when they shall act in the case, and allowing a reasonable time to appear. As soon as possible after the adjournment of the Board of Equalization,

Board of
equalization.

Powers of board.

in August, its Clerk shall make out a list of all persons, the valuation of whose property has been added to, with the amount so added on the assessment roll, who have not appeared before the Board, and a list of all property, the valuation of which has been added to the assessment roll, with the amount so added, the owners of which have not appeared before the Board; and the Board of Equalization shall cause the same to be published in each of the newspapers in the City of Lewiston, and any person to the assessed value of whose property there was an amount so added not appearing before the Board of Equalization in August may appear before the Board on the first Monday in October, on which day they shall sit for that purpose, and upon making affidavit of his or her property, he or she shall have a hearing before the Board of Equalization, and the determination shall then be final. During the session of the Board of Equalization, the Assessor shall be present, and shall have the right to make any statement concerning any assessment and to produce evidence relating to the question before the Board.

[As amended, Act February 5, 1885.]

Duty of clerk of
said board.

759. (Sec. 11.) During the session, or as soon as possible after the adjournment of the Board of Equalization, its Clerk shall enter upon the assessment roll all the changes and corrections made by the Board, and thereupon deliver the assessment roll so corrected, to the Treasurer of the district.

[Act, February 7, 1883.]

Taxes levied,
when paid.

760. (Sec. 12.) All taxes levied for the benefit of the district shall be paid directly to the Treasurer of the district, and, if not so paid on or before the thirtieth day of September in each year, shall become delinquent, and five per cent. shall be added thereto.

[Act, February 7, 1883.]

Delinquent list,
when treasurer
shall prepare.

761. (Sec. 13.) It shall be the duty of the Treasurer to prepare a delinquent tax list within ten days from the time limited for paying taxes, and deliver said list to the District Attorney of Nez Perce County for correction.

[Act, February 7, 1883.]

District attor-
ney's duties.

762. (Sec. 14.) It shall be the duty of the District Attorney to enforce collection of delinquent taxes of the district, by civil actions commenced in the name of the district, in the same manner as is by law provided for the collection of delinquent county and Territorial taxes. He shall upon the filing in his office of the delinquent tax list, by the Treasurer, and a written request of the Treasurer of the district, promptly commence actions against such delinquents, as the tax Collector shall indicate in said written request, and without unnecessary delay prosecute said actions to judgment, and enforce the collection of said taxes. Said taxes when collected on said action, shall be paid to the Treasurer.

The said Attorney shall, within sixty days after the receipt of said delinquent tax list and at such other times as the Board of Education may require, make to said Board a written report of his prosecutions for the collection of said delinquent tax, and the amount collected and paid to the

GRADED PUBLIC SCHOOLS IN LEWISTON.

Treasurer, and the reasons why any of said tax, if any there be, remain uncollected.

He shall be held responsible on his official bond for the faithful discharge of his duty as prescribed in this Section, and shall receive such compensation for his services as is by law allowed to the District Attorney in the collection of county and Territorial delinquent taxes.

Liabilities.
Compensation.

[As amended, Act February 7, 1883.]

763. (Sec. 15.) The County Auditor and County Treasurer of Nez Perce County, shall keep a separate account of the funds received from the property tax collected by order of the Board of County Commissioners, and which shall be designated the Nez Perce County property tax, general school fund, and a separate account of all other general school funds received, which shall be designated the Nez Perce County miscellaneous general school fund. The School Superintendent of said county shall at such times, and in such manner as is provided by the common school law, apportion said miscellaneous school fund among the several school districts in the county, including said independent school district, number one; and the fund so apportioned [to] said independent district shall be subject to the order of the Board of [Education] in the manner provided in the general school laws. The County Superintendent shall receive such compensation for his services as is provided for in the general school law, and to be drawn by order of the Board of County Commissioners from the miscellaneous general school fund of the county, if there be sufficient money in said fund, otherwise the balance shall be paid from the property tax general school fund.

Keep funds
separate.

Compensation.

[As amended, Act February 7, 1883.]

764. (Sec. 16.) The Treasurer of the City of Lewiston shall be *ex-officio* Treasurer of said school district. Before entering upon the duties of his office he shall execute to said Board of Education a bond in double the amount of money as nearly as can be ascertained (the amount to be determined by said Board) which shall come into his hands, as Treasurer of said district during his term of office, with not less than two sureties, conditioned for the faithful discharge of his duties as Treasurer of said district; said bond to be approved by said Board, and file the same with the Clerk of said Board. In case of any breach of the conditions of said bond, the said Board shall cause an action to be commenced thereon in the name of said Board, and the money recovered thereon shall be applied to the use of said district.

Treasurer.

Bond.

The said Board may require said Treasurer to give additional security from time to time, and if he fails to give sufficient security when required, said Board may declare his office as Treasurer of said district, vacant, and fill the vacancy by appointment.

Duties

Said Treasurer shall receive all money due and belonging to said district, and pay all orders drawn upon him, signed by the Clerk and President of the Board, paying such order only on the particular fund upon which it is drawn; and shall keep an accurate, detailed and separate account of each fund coming into his hands, and paid out by him as

Report.	said Treasurer, in books provided for him for that purpose, by the Board of Education.
Records and books.	Said Treasurer shall, at the expiration of his term of office as Treasurer of said city, and also at the expiration of the fiscal year of said district, file with the Clerk of said Board a report in writing signed by him, containing a statement of all moneys received by him during the fiscal year, and of all his disbursements as said Treasurer. Said report shall be examined by the Board at its annual meeting or within ten days thereafter, and the Treasurer shall exhibit at said examination, his vouchers for all his disbursements, and if said statement is found to be correct, the Board shall approve the same by resolution entered on the records of the Board. Said Treasurer shall also make from time to time, such statements of the business of his office as shall be required by the Board.
Compensation of treasurer.	He shall keep all records, books and papers belonging to his office, and deliver the same to his successor in office upon demand. He shall pay to his successor in office upon demand, after his successor has given bonds as hereinbefore prescribed, all money and property in his hands belonging to said district, and perform such other duties as may be ordered by said Board.
Meetings of board.	The Treasurer shall receive such compensation for his services out of the school funds, as is provided and paid to him as City Treasurer by said city, for like services.
Buildings.	765. (Sec. 17.) Said Board may hold stated meetings at such times and places in said district, as they may appoint. Special meetings thereof may be called by the President, or by any two members, on giving one days' notice of the time and place of the same, and said Board by resolution, may direct the payment of all moneys that shall be paid out of the Treasury, and no money shall be paid except in pursuance of such resolution, and on the written order of the Clerk countersigned by the President of the Board.
Taxes for.	766. (Sec. 18.) Whenever said Board of Education deems it necessary to purchase or erect school buildings for said district, or to purchase sites therefor, they shall submit to the City Council of the City of Lewiston, a proposition to levy a tax, or issue the bonds of the district for the necessary amount of money for that purpose. They shall specify in said proposition a general description of the proposed buildings, or the sites desired, and the maximum amount of the estimated cost thereof. They shall also specify therein whether they desire to raise said amount by tax or by issuing bonds of the district. If they desire to issue the bonds of the district therefor, they shall specify the terms and conditions of said bonds. It shall be the duty of said City Council, within thirty days after said proposition has been submitted to them, to approve or disapprove of said proposition, and notify the Board of Education by a resolution adopted by said Council of their action thereon. If the City Council disapprove said proposition, or refuse, or neglect to take action thereon, then and in that case, within ninety days after the expiration of the thirty days in which time the City Council should have taken action on said proposition, the Board of Education may call a special meeting of the qualified voters of said district, and appoint judges of

said election, and submit to them the said proposition, as it was submitted to the City Council, and the said voters shall by a majority vote, by ballot, approve or disapprove of said proposition. The Board shall publish a notice of said special meeting, by publishing the same for two weeks prior to said meeting, in a newspaper published, and of general circulation in said district, and specify in said notice the time and place of said meeting and the object thereof. If the City Council, or the said voters, shall approve of said proposition, they shall certify the same to the Board of Education, by a resolution of the Council, or a certificate of the vote of the meeting signed by the President, or Clerk of the meeting, and the judges of election. Upon the approval of the proposition to levy a tax or issue the bonds of the district, for the proposed amount, the Board of Education may proceed to levy and collect [the] tax for said purposes on the taxable property in the district, not exceeding ten mills on a dollar of the assessed value of said property. The said Board may levy and collect a tax, not exceeding said rate, on said property for successive years; *Provided*, that the total amount thus levied and collected does not exceed the maximum amount approved by the City Council, or by the votes of the voters of the district. If the proposition approved by the City Council, or by a vote of the voters of the district is to issue bonds of the district for the required amount then the Board of Education may issue and negotiate the bonds of the district, conforming to the terms and conditions voted upon, for the required amount of money for said purposes, not exceeding the maximum amount specified in said proposition. Said bonds shall be signed by the President and Clerk of the Board of Education, and attested by the corporate seal of the district, and said Board shall have the power, and it shall be their duty, to provide for the payment of said bonds, and the interest thereon, by levying and collecting the necessary tax therefor, on the taxable property in the district, without any further approval by the said City Council, or the voters of the district; *Provided*, that no tax exceeding the rate of ten mills on a dollar be levied any one year, for that purpose.

Bonds of district
how issued.

767. (Sec. 19.) So much of section 20 of an Act entitled an Act to incorporate the town of Lewiston, approved December 27, A. D. 1866, as constitutes the members of the City Council *ex-officio* school trustees of said City of Lewiston, and authorizes them to manage and control the schools of said city is hereby repealed.

Repeal of authority of city council to act as school trustees.

768. (Sec. 20.) The Board of Education shall have power and it shall be their duty:

Board of education, powers.

1st. To establish and organize such grades of schools, including in their discretion a full academic course, and alter and discontinue the same in said district as they may deem expedient.

Schools.

2d. To provide necessary rooms or buildings for school houses, and grounds about the same.

3d. When authorized by the City Council of the City of Lewiston, or a vote of the district, to purchase or erect one or more school buildings, and purchase sites for the same.

School-houses.

- Apparatus.** 4th. To purchase, sell and exchange school apparatus, furniture, stoves and other appendages for school buildings, and to furnish fuel for the same.
- Care of property.** 5th. To take care of the property of the district, procure insurance, ornament and improve school property, and make ordinary repairs upon the same or any part thereof when deemed expedient.
- Employ teachers.** 6th. To contract with, employ and pay teachers who have received certificates as provided herein, and to discharge the same.
- Expenses of board.** 7th. To defray the necessary expenses of the Board of Education, pay the compensation of the Clerk, Treasurer, Collector, and Superintendent, and for such record books, printing, stationery and other incidental expenses as they may deem proper.
- Manage schools.** 8th. To superintend and manage, in all respects, the schools of said district, and from time to time adopt, alter, modify and repeal rules for their organization, government and instruction; for the keeping of registers for the reception of pupils resident and non-resident within the district, their suspension, expulsion, and transfer from one school to another; to prescribe text books and a course of study for the schools.
- Make rules.** 9th. To make rules and regulations respecting the protection, care and safe keeping of the property of the district, and to prescribe penalties for the breach thereof, to be recovered as penalties as in other cases before a Justice of the Peace, and to change and repeal the same.
- Make rules** 10th. To make, change and repeal rules relating to the organization, government and business of said Board and the duties of its officers.
- Levy taxes.** 11th. To determine the amount of tax to be raised for the current expenses of the school for the district, and to levy the same upon the taxable property in the district: To provide for the prompt payment at maturity of the principal and interest of any indebtedness of the district, by voting from time to time, taxes upon the taxable property of the district sufficient to meet the same, making allowance for delinquency in paying any part of such taxes.
- Examiners.** 12th. To furnish the Board of Examiners the necessary blanks for all such certificates as the Board of Examination may at any time order, which certificates shall severally contain the branches fixed for the several grades of certificates.
- Conveyances.** 13th. When authorized by the City Council, or by a vote of the district, to make, execute and deliver for and in behalf of said district, deeds, mortgages, releases, bonds and all other instruments, relating to the real property of the district, and necessary to maintain and support the schools thereof, or to provide buildings, rooms and grounds therefor.
- Tax levy.** 14th. The said Board of Education shall have the power, and it shall be their duty, to determine and levy the amount of tax to be raised in said district for all the necessary expenses of said school hereinbefore provided for, in their own discretion, except the erection of school buildings and the purchase of sites therefor. They shall, during the month of July of each year, unless there are special reasons for

delay, and then, so soon thereafter as is expedient, determine upon the amount of taxes to be raised for each fiscal year, not less than five, or more than ten mills on the dollar, and as soon thereafter as a certified assessment roll of the taxable property in said district can be obtained from the County Auditor, and filed with the Clerk of the Board, fix the rate of taxation, and cause the Clerk of the Board to compute and specify the amount of tax due from each taxpayer in the district, in a tax list, and place the same in the hands of the Tax Collector of the district for collection on or before the third Monday in September of each year. The said Board shall have power on the filing with the Clerk of the Board by the Tax Collector, of the delinquent tax list, and the statement of the Tax Collector of such, of the delinquent taxes as he deems collectible, and the amount not collectible, and before said list shall be placed in the hands of the District Attorney for collection, to approve, or revise and correct the same, and by order suspend the commencement of actions for the collection of taxes reported on said revised or approved list as uncollectible, and the Tax Collector shall file a duplicate of said approved or corrected list with the said Attorney, as is provided herein among the duties of said Collector. To keep the said schools in operation not more than nine months in each year, and shall keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes, and make a report of such receipts and the source from which the same were derived, and the disbursements and objects to which the same were applied to the City Council, of said City of Lewiston, at the expiration of each fiscal year of said district.

Delinquent
taxes.

Nine months
school.

Report.

Examination of
teachers.

Census Marshal.

Fiscal year.

Power to levy
tax

Local and
Special Laws
of Idaho
sec. 770
repealed
L '39 c 92
sec 4 p. 157

15th. Said Board shall provide for the examination of all teachers employed in the schools of the district, and no teacher shall be employed in the schools of the district, who has not been duly examined and received a certificate of qualification as teacher, or by the examining officers or Board of Examiners, as said Board of Education may provide: The Superintendent or Board of Education may, for sufficient cause, annul said certificate, and when so annulled, the teacher holding the same shall be discharged.

16th. To appoint and pay a school census marshal in accordance with the provisions of the general school law.

769. (Sec. 21.) The fiscal year of said district, shall commence on the 1st day of July, and end on the 30th day of June of each year.

770. (Sec. 22.) The power to levy taxes for school purposes on the taxable property within said school district, is hereby vested exclusively in the Board of Education, and said property shall be exempt from the levy made for school purposes, or to be made by order of the County Commissioners, from and after April 1st, 1881, and said district shall receive no part of the general property school fund so levied and collected by order of the Board of County Commissioners.

All Acts and parts of Acts of the general laws of Idaho Territory, authorizing the levy of a tax for school purposes on the taxable property within said district, by the Board

of County Commissioners, is hereby repealed as to the said property within said district.

The said district shall be entitled to receive of all other general school funds, in the proportion as other school districts in the county.

Records evidence.

771. (Sec. 23.) The records of the Board of Directors, signed by the President, or a transcript thereof, or any part thereof and all papers belonging to the office, or a transcript thereof certified by the Clerk, shall be *prima facie* evidence of the facts therein stated, and all records, books and papers belonging to said Board, of any legal voter or taxpayer of said district.

Title to property.

772. (Sec. 24.) Said district shall hold in its corporate name the title of lands and other property now owned by the district within its corporate limits, or which shall hereafter be acquired for school district purposes in said district, and no property held by it for public school purposes shall be subject to taxation.

Admission to schools.

773. (Sec. 25.) Admission to all public schools taught in said district by authority of this Act shall be free to the children of all actual residents in said district between the ages of five and twenty years, and to all other persons between the same ages who may be in good faith living in said district, and have not come into the same for the purpose of attending school. Persons non-resident within said district may be admitted to said school on reasonable terms, at the discretion of the Board of Education. The Board of Education may suspend or expel pupils for insubordination, immorality or infectious diseases.

Actions.

774. (Sec. 26.) The Board of Education may prosecute any actions in their official capacity, in the following cases:
1st. On a contract made with them in their official capacity.

2d. To enforce a liability, or a duty enjoined by law in favor of officers, or board, or district.

3d. To recover a penalty or forfeiture given to school board or district.

4th. To recover damages for an injury to their official rights or property, or to the property of the district.

5th. An action may be brought against members of the Board in their official capacity, either upon contract made by such Board in their official capacity, and within the scope of their authority or for an injury to the rights of the plaintiffs arising from some act or omission of such Board, or of the district. The actions authorized by this section may be brought by or against said members of said Board, upon a cause of action when accrued within the time of their predecessors, as well as within their own term of office; and, when brought, may be continued by or against the successors in office of the parties whose names may for that purpose be submitted in the action.

6th. In legal proceedings against the directors in their official capacity, all processes and papers may be served on any one of them, and the party served shall notify the others of the fact of such service.

7th. When a judgment is recovered against any the directors in any action prosecuted by or against them, in their name of office, no execution shall issue on said judg-

Lewiston
School Dist.
Charter
New Sec. 40
Added
SL '45 (1st ES)
c 25 Sec 1
p. 28

ment, but the same, if for recovery of money, shall, unless reversed or stayed on an appeal, be paid by the Treasurer of the district upon demand, and the delivery to him of the certified copy of the docket of the judgment if there is sufficient money of said district in his hands not otherwise appropriated. If there are no funds in his hands in the Treasury available for the payment of said judgment, the Board of Education, on the filing of a certified copy of said judgment with the Clerk of the Board, shall include the amount of said judgment in the amount of tax to be raised by the next levy, and cause the same to be levied and collected as in other cases, and the judgment paid.

775. (Sec. 27.) All Acts and parts of Acts of the General Laws of Idaho Territory in conflict with the provisions of this Act are hereby repealed.

TO PROVIDE FOR THE DISPOSAL OF LANDS IN THE CITY OF LEWISTON.

AN ACT to provide for the Survey, Platting, and Disposal of the Land in the City of Lewiston, Nez Perce County, Idaho Territory, pursuant to the United States Statues made and provided.

[Approved January 8, 1873.]

SECTION.	SECTION.
776. Mayor to make deeds to property owners	780. Tenant cannot claim against landlords.
777. Streets, alleys and ways to be preserved	781. Blocks and lots numbered
778. Claimants of land to give no notice of claim thereto	782. Charges for lots.
779. Adverse claims filed, stays other proceedings	783. Mayor's fees
	784. Unclaimed lots to be sold.
	785. Moneys to be paid into treasury.
	786. When Act goes into force

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

776. (Section 1.) The Mayor of the City of Lewiston, Nez Perce County, Idaho Territory, who by authority of a patent issued by the United States government, is Trustee to execute the trust in behalf of the inhabitants of the said City of Lewiston, in relation to the land described in the said patent, and by virtue of the United States Statutes, entitled: "An Act for the Relief of the Inhabitants of Cities and Towns upon the Public Lands," approved March 2d, 1867, is hereby authorized, directed and required under the provisions and limitations hereinafter specified and set forth, to make and deliver to the bona fide occupants of such portions of the said land described in said patent from the government of the United States, who may be entitled thereto good and sufficient deeds of conveyance in fee simple, according to their respective interests, and for that purpose he shall, within twenty days after the receipt by him, the said Mayor and Trustee of the said patent, from the general government, give notice thereof in a newspaper published in said city, or if there be none there, at the time, in one nearest the locality and of general circulation, and requiring all persons claiming land within the said designated tract of land, and described in said patent to present their respective claims therefor in writing, to said Mayor-Trustee, at his office in said city. The said Mayor-Trustee shall at the same time also cause to be made and filed in his

Act creating
Ind. School
Dist. No. 1
Nez Perce Co.
approved
Dec 30, 1880
sec 28
amended
L '39 c. 92
sec 2 p. 154

Act creating
Ind. School
Dist. No. 1
Nez Perce
County
new secs
added
L '39 c. 92
sec. 3 p. 155

Act creating
Ind. School
Dist. No. 1
Nez Perce Co
approved
Dec 30, 1880
secs. 10, 41, 42
added
L '39 c. 92
sec 3 p. 155

Act creating
Ind. School
Dist. No. 1
Nez Perce Co
approved
Dec 30, 1880
sec 22
repealed
L '39 c. 92
sec 1 p. 156

Mayor to issue
deeds to proper
owners.

office by a competent person, a plat of the said land divided into blocks and lots to such an extent as may be deemed requisite by said Mayor-Trustee, and into divisions of acres and parts of acres as may be deemed requisite by the said Mayor-Trustee, and at his discretion, the exterior lines of the remaining part of said land shall be run, marked, and platted on said plat; which shall be approved by said Mayor-Trustee, and his approval shall be endorsed thereon, with the date of the approval over the signature of said Mayor-Trustee, and the said Mayor-Trustee shall cause immediately thereafter, the said plat to be recorded in the records of Nez Perce County, Idaho Territory, in accordance with the law or laws governing the record of deeds of conveyance of real estate in said Idaho Territory.

Streets, alleys
and ways to be
preserved.

777. (Sec. 2.) That the streets, lanes, alleys and other rights of way, which may be in common use at the time of the enforcement of this Act, within the said city, over the land described in the aforesaid patent, are hereby declared to be public highways, for the use and benefit of the inhabitants of said city in common, and that the survey and platting of the said land into blocks and lots, acres or parts of the same, shall conform thereto. That the survey and platting of the land described in the aforesaid patent, for said City of Lewiston, shall be so as to divide the blocks into lots, to be, whenever practicable, each fifty feet in width and one hundred feet in depth, and the fractional block or blocks, lot or lots, acre or acres, shall be so arranged and adjusted as to conform to the condition of the improvements and occupation at the time of the enforcement of this Act. That where streets, alleys, roads, or other rights of way have obtained, may have been reserved or claimed by the inhabitants in common of the said city, as streets, alleys, roads, or other rights of way, and may be occupied at the time of the enforcement of this Act by individuals, are hereby declared to be public highways for the purposes, use and benefit of the inhabitants of said City of Lewiston, in common.

Claimants of
land to give
notice of claims,
thereto.

778. (Sec. 3.) The occupants of the land included and described in said patent, may at any time within sixty days after the publication of said notice, and the filing of the said plat of survey, make their respective applications for title to such portions of the land described in the aforementioned patent as may be claimed by them, which applications shall state that such claimant or claimants are *bona-fide* occupants of the described portion of the land and the lot or lots, and fraction of lot or lots, block or blocks, and fraction of block or blocks, acre or acres, or fraction of acre or acres, included in each claim by him, her or them, and said application shall state and specify the character and in what said occupancy consists, which shall be either actual residence thereon, enclosure or some permanent improvement on some portion of the lot or lots, block or blocks, acre or acres, or the fractions of the same lying contiguous, claimed by he, she or them, and shall particularly designate and describe such land, and the improvements thereon in said application, in accordance with the plat of the said land, as recorded in the County Recorder's office, as hereinbefore set forth; said applications shall be in writing and verified by the

oath or affirmation of the applicant, or by some person on his, her, or their behalf, in all cases, and verification shall be in substance as follows, viz.: Idaho Territory, Nez Perce County —s.s. On this the (date) day of (month) A. D. 187, I (name) do solemnly (swear or affirm) that the statements in the foregoing application to the Mayor of the City of Lewiston, Idaho Territory, Trustee for the inhabitants of said city, for land described and included in a patent for the same to him, said Trustee, from the general government of the United States of America, are true of my own knowledge, except as to matters therein stated on information and belief, and as to those matters, (for we) believe them to be true. (Signature). Subscribed and sworn to before me, this the (date) day of (month) A. D. 187(); which oath or affirmation must be taken before and subscribed by an officer, who is authorized by the laws of Idaho Territory, to administer the same; *Provided*, that no claim shall be allowed which shall not conform to the requirements of this Act, nor shall any claim be allowed for, or any conveyance made, of any portion of any street, alley, road or other right of way that has heretofore been, or by this Act, is declared to be a public highway, or other land, which is included and described in the aforesaid patent, and dedicated or appropriated to public use, except for the benefit, the use and the purpose of the inhabitants of the said City of Lewiston, in common.

Verification of
application

779. (Sec. 4.) The said Mayor-Trustee shall receive and file, with the records of his office, each and all applications for the said land, and shall endorse, over his signature, the date received upon each and all, which application shall be free to and subject to the inspection of any and all persons who desire to do so; and shall in each and every instance, when no adverse claim is filed, and on the payment of the money hereinafter provided for, after the expiration of sixty days from the date of the said filing of said application, execute a deed of conveyance in fee for the land claimed, and is undisputed, and deliver the said deed when called for, to the proper party or parties, noting the time of delivery on said deed, over his signature; and in all cases where an adverse claim to any of said land shall be presented by any claimant within the said sixty days after the same shall have been claimed as aforesaid, all proceedings for a deed of conveyance by said Mayor-Trustee shall be stayed, and he shall, within five days after the filing of the adverse claim, deliver to such prior claimant or claimants, personally, if he, she or they be within the city, or otherwise, to his, her, or their agent in writing, a notice of such adverse claim, and no conveyance shall be made by the said Mayor-Trustee, until the final determination of such conflicting claim or claims by a final judgment of a court of competent jurisdiction, and it shall be the duty of such subsequent adverse claimants, to bring the same to such determination, and on failure to commence proceedings for that purpose, for a period of sixty days from the time filing of his, or her, or their adverse claim, he, she or they shall be deemed to have waived and abandoned such claim, and a deed of conveyance shall be executed and delivered to the prior claimant, the same as if no such adverse claim had been made;

Mayor's deed.

Adverse claim
filed stays pro-
ceedings.

upon a final determination of such adverse claim or claims, the successful claimant or claimants shall file with the said Mayor-Trustee, a certified copy under the seal of the court, the final judgment, in his, her or their favor, and the said Mayor-Trustee shall execute immediately thereafter, and deliver to the proper party or parties, a deed of conveyance in accordance with said judgment.

Tenant cannot
claim against
landlord.

780. (Sec. 5.) No tenant who holds any lands within the tract included and described in the aforesaid patent, from another, either for a term, or at will, shall be entitled to claim such land adversely to the person under whom he holds, nor shall he, she or they be entitled to a deed of conveyance therefor.

Blocks and lots
numbered.

781. (Sec. 6.) The numbering of the blocks and fraction of a block, and lots and a fraction of a lot, shall bear numbers in consecutive order, in accordance to the rule adopted and prescribed by the general government in relation to sections in townships, as near as is practicable; each fraction of block or lots to bear a whole number, and in that portion to be laid off by acres and parts of acres, as herein provided for, each such claim shall be numbered, commencing at the northeasterly angle of the said part of said survey, and in the same consecutive order as that of the blocks and the lots, and also the area of such claims shall be computed in acres and hundreths of acres and noted on the aforesaid plat of survey.

Charges for lots.

782. (Sec. 7.) That for the purpose of defraying the expenses of procuring the title to said land, town-site and incident thereto, and for the survey, platting and recording of the aforesaid plat, there shall be paid into the Treasury of the said city by the claimant or claimants of the said land, on notice given by the said Mayor-Trustee, to the Treasurer of said city, that certain and specified claim has been awarded to said claimant or claimants, the following sum of lawful money of the United States, that is, for each lot in blocks of said land, ten dollars, and in proportion thereof for each fractional lot; and for each acre, six dollars, and in proportion thereof for each fractional acre, and the said Treasurer shall, over his signature, receipt, at the time of the receiving of said sum or sums of money, to the claimant or claimants for the amount so paid to him, designating in said receipt the purpose for which said money was paid to him, and giving the description of the said land. Upon the production of and filing with the said Mayor-Trustee of said Treasurer's receipt, the said Mayor-Trustee shall, on the payment of his fees as hereinafter provided for, execute and deliver a deed of conveyance, in fee for such land as may have been awarded to said claimant or claimants. All claims for the expense of procuring and incidental thereto, surveying, platting and recording, as herein provided for, shall be considered and allowed by the Common Council of the said city, and warrants on the Treasury of the said city shall be issued therefor, under and by virtue of ordinance of said City Council, approved by the Mayor of said city, and said warrants shall draw legal interest from the date of presentation to the said Treasurer of said city, who shall endorse at the time of presentation to him the fact over his signature upon said warrant or

warrants, as the case may be, and make a proper note thereof in the records of his office.

783. (Sec. 8.) The said Mayor-Trustee shall be entitled to demand and receive, for his own use and benefit, the sum of twenty-five cents for filing each application or other paper required to be filed; the sum of one dollar for the giving each notice of an adverse claim required to be issued and served by him, which service shall be by copy of the original, which original shall be filed in the Records of his office; and three dollars for the making, acknowledging and stamping of each deed; but no more than one deed shall be made to any applicant for any number of lots or parts thereof, or acres or parts thereof, unless required by such applicant. Mayor's fees.

784. (Sec. 9.) All blocks, lots, acres, or parts of the same, remaining unclaimed for a period of six months from the date of the first publication of the notice hereinbefore provided for, shall be sold by the said Mayor-Trustee at public auction, to the highest bidder, for legal money, after his giving notice publicly for three weeks, either in a newspaper published in said city, or by five written notices of such sale, to be posted at different and most public places in said city; and the proceeds of said sale shall be by him paid into the said City Treasury, he to receive a receipt therefor from the Treasurer thereof, after deducting therefrom the actual expense incurred by said sale; and that portion of the said tract of land included and described in the aforesaid patent, and not surveyed into blocks and lots, and claims, of acres and parts of acres, and of which the exterior lines are to be run and platted, shall be subject to the control and disposal of the said Mayor-Trustee, under and by virtue of duly enacted ordinance or ordinances of the said Common Council of said city. Unclaimed lots to be sold.

785. (Sec. 10.) All moneys derived from the private and public sale or disposal of said lands included in and described in the aforesaid patent from the United States, and under this Act, shall be paid into the Treasury of the said City of Lewiston, Nez Perce County, Idaho Territory, and shall be applied and appropriated, paid out and expended, by the Treasurer of said city, under and by virtue of ordinance or ordinances of said city duly passed and approved, and in which preference shall be given to the warrants authorized and issued by said city authorities on the Treasury of said city prior to the passage of this Act, and for the purpose of obtaining a perfect title under the laws of the United States, and in trust for the inhabitants of the aforesaid City of Lewiston, next subsequent thereto, such appropriations and warrants as may be authorized by the said Common Council upon the fund to be set apart by the Treasurer of the said city, and denominated the Town Site Fund, which shall consist of all money received by the said Treasurer for the disposal of the land under and by authority of this Act, and the residue, if any, shall be expended under the ordinances of the said Common Council of the City of Lewiston, aforesaid. Moneys to be paid into city treasury.

786. (Sec. 11.) This Act shall be in force and take effect from and immediately after the reception of the aforesaid patent from the general government of the United States of America by the said Mayor of the City of Lewiston, and When in force.

Trustee for the inhabitants thereof, and its passage by the Legislature of Idaho Territory, and the approval by the Governor of the said Territory.

TO ENLARGE AND IMPROVE THE CORPORATION OF LEWIS COLLEGIATE INSTITUTE.

AN ACT to establish by Charter and enlarge and improve the Corporation of Lewis Collegiate Institute.

[Approved February 4, 1885.]

SECTION.

787. Institution named.

788. Made a body politic; Perpetual life and powers.

789. Board of Trustees.

790. Powers of board; Term of office; Meetings.

SECTION.

791. Trustees named.

792. Executive committee to make report.

793. Diplomas.

794. Territorial officers to visit.

WHEREAS, knowledge, good morals, and learning generally diffused through a community are essential to the preservation of a free government, and extending the opportunities and advantages of education is highly conducive to this end, and esteeming it the duty of government to cherish the interests of literature and the sciences, and all seminaries established for their advancement,

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Institution
named.

787. (Section 1.) That the corporation now and heretofore existing under the laws of Idaho Territory, and known as Lewis Collegiate Institute, located at Lewiston, Nez Perce County, Idaho Territory, shall be hereafter called and known as Lewis Collegiate Institute until it shall graduate its first class in its scientific, literary, or classical department; and upon said graduation or before, by a resolution of the Board of Trustees supported by a three-fourths majority, it shall be and become a college or institution of higher grade, with such name and grade as the Board of Trustees may determine by a three-fourths vote, and thereupon and thereafter it shall be known and designated by the name so determined upon.

Made a body
politic.

788. (Sec. 2.) Said corporation is hereby constituted, ordained, and established henceforth and forever a body politic, and as such body politic shall have, hold, use, exercise, and enjoy all the powers, authorities, rights, property, liberties, privileges, and immunities which have hitherto been possessed, enjoyed, and used by said Lewis Collegiate Institute, except so far as the same may be varied, enlarged or limited by the provisions of this Act.

Perpetual life
and powers.

Said corporation shall have perpetual existence and shall have power to acquire, receive and possess, by donation, gift or purchase, retain and enjoy property, real, personal and mixed, in the same manner and to the same extent as a natural person, and the same to sell, grant, convey, rent, lease, or otherwise hold and dispose of at pleasure, provided that no part of the resources thereof shall be used for any other than educational purposes as herein contemplated. It shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of justice, both in law and equity. It shall cause to be made for its use a corporate seal impressed with such devices and inscriptions as it shall deem proper, and to alter and amend

the same at its pleasure, and until such seal is provided, to use a scroll for such purpose, as provided by the laws of this Territory.

It shall have power to make and adopt regulations and by-laws not inconsistent with the laws of this Territory, for its government and the government of its officers, agents and students, and to alter annul and amend the same, and for the transaction of all its business affairs, to appoint such officers and agents as it may deem necessary, and to determine their duties and compensation, and to displace them; to establish and determine the time of meeting of its Board of Trustees, to prescribe the course or courses of education, to establish and maintain schools in all the industrial arts and different departments of learning at Lewiston and such other places as the Board of Trustees may direct, to confer degrees and other testimonials of literary and scientific distinction, and all other powers and privileges exercised by other like institutions in the United States, and necessary or convenient to accomplish the objects and intent of its incorporation.

789. (Sec. 3.) There shall be a Board of Trustees who shall have perpetual succession, and whose number shall be thirteen, or such greater number as the Board of Trustees may determine by a two-thirds vote at any annual meeting, a majority of whom shall constitute a quorum for the transaction of business. The said Board of Trustees shall annually appoint an Executive Committee of five, three of whom shall constitute a quorum for the transaction of business.

Board of trustees.

790. (Sec. 4.) The Board of Trustees shall control and manage all the business of the corporation.

Powers of board.

They shall nominate their successors in office and elect the same, and fill vacancies occurring from death, resignation or otherwise, subject to the approval of the Columbia River Annual Conference of the Methodist Episcopal Church in which the corporation is now located, and in case the boundaries of said conference are changed, the election of said Trustees shall be subject to the approval of the annual conference of said church in which it shall be located and the term of office of said Trustees shall commence with the time of the approval of their election by said conference.

The term of office of said Trustees shall be for three years except as limited herein, and until their successors are elected and approved.

Term of office.

The Board of Trustees have power to elect a President, Secretary and Treasurer, and such other officers as they may deem necessary.

The annual meeting of the Board of Trustees for the year A. D. 1885, shall be held on the last Wednesday of the spring term of that year, at the time and place designated by the President of the Board, and thereafter at such time as the Board may determine.

Meetings.

The Trustees, when absent, may be represented and vote in all the meetings of the Board by proxy, but said proxies must be appointed in writing and said appointments be filed with the Secretary of the Board before the proxy shall vote, provided that said proxy shall be a member of the Board of Trustees.

Trustees named.

791. (Sec. 5.) James W. Poe, John H. Evans, of Lewiston, and Henry McGregor, of Moscow, in Nez Perce County, and Benj. F. Morris, of Idaho County, Idaho Territory, and S. W. Moody, of Shoshone County, Idaho Territory, are hereby appointed trustees to serve until the annual meeting of the Board of Trustees in A. D. 1885, and until their successors are elected and approved.

William Evans, of Genesee, and D. M. White, of Lewiston, Nez Perce County, Idaho Territory, A. D. Davis, of Pomeroy, Garfield County, and Rev. L. J. Whitcomb, of Columbia County, Washington Territory, are hereby appointed trustees to serve until the annual meeting of the Board of Trustees for the year 1886, and until their successors are elected and approved.

S. G. Isaman, Norman Buck, John P. Vollmer and the Rev. W. S. Turner, of the City of Lewiston, Nez Perce County, Idaho Territory, are hereby appointed Trustees, to serve until the annual meeting of the Board of Trustees for the year A. D. 1887, and until their successors are elected and approved.

In case the number of Trustees should be enlarged by the Board as herein provided, they shall be classified and elected, as near as may be, according to the classification of the Trustees herein appointed.

Executive committee to make reports.

792. (Sec. 6.) The Executive Committee shall make a report of their transactions to the Board of Trustees at the annual meeting of the Board and at such other times as the Board may require, and such committee shall have immediate care and management of the affairs of the corporation under the direction of the Board of Trustees, and for such purposes may cause mortgages to be made, when necessary, to procure funds for the corporation, etc., and may incur indebtedness and execute bills payable in behalf of the institution, and pay the same. But all deeds and mortgages must be executed on the part of the corporation by the President of the Board of Trustees and sealed with the seal of the corporation.

The Board of Trustees may limit the powers of the Executive Committee, and vary the same at their option.

Diplomas.

793. (Sec. 7.) The Board of Trustees shall have the power to grant diplomas and testimonials of literary merit under the seal of the corporation, and diplomas granted by said corporation to graduates thereof shall be a sufficient certificate of qualifications to authorize the holder thereof to teach in any of the common or independent schools of the Territory.

Territorial officers to visit.

794. (Sec. 8.) The Governor of the Territory and all Territorial officers are hereby authorized to visit the institution at any time and examine the books and business affairs thereof, and to meet and counsel with the Board of Trustees, but shall have no vote on any business matters of said Board.

The annual Conference of the Methodist Episcopal Church, in which said corporation is located, shall have power to appoint a visiting committee of five or less, and said committee shall have the same privileges and powers in the affairs of said corporation as the Governor and Territorial officers. The President of the institution shall be *ex-officio* a member of the Board of Trustees, but shall have no vote therein.

DEFINING THE DUTIES AND FIXING THE SALARY OF THE ASSESSOR.

AN ACT defining the duties and fixing the salary of the Assessor of Nez Perce County.
[Approved February 5, 1885.]

SECTION
795. Assessor's salary paid out of current expense fund

SECTION
796 Assessor to collect certain taxes.
797 Acts repealed

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

795. (Section. 1.) The salary of the Assessor of Nez Perce County shall be thirteen hundred dollars per annum, and ten per cent. of all poll-taxes collected by him, to be audited and paid quarterly out of the Current Expense Fund.

Assessor's salary, how paid.

796. (Sec. 2.) It shall be the duty of said Assessor, in addition to the duties required by law in assessing the property in said county, to collect the taxes upon personal property of non-residents, and the poll-tax of temporary residents in the manner now required by law, but such taxes due from permanent residents of the county may be collected by the County Treasurer (or in case of delinquency, by the Sheriff, in the same manner as other taxes are collected.

Assessor to collect certain taxes

797. (Sec. 3.) All Acts and parts of Acts, in conflict with the provisions of this Act, in so far as they relate to Nez Perce County, are hereby repealed.

Repeal of acts.

DEFINING THE DUTIES AND FIXING THE SALARY OF THE TREASURER.

AN ACT defining the duties and fixing the salary of the Treasurer of Nez Perce County, and for other purposes.
[Approved February 5, 1885.]

SECTION
798 How salary paid
799. Ex-officio tax-collector.
800. Laws made applicable.
801 Assessment roll

SECTION
802. Demand for payment of taxes, not made
803 Delinquent list to sheriff
804 Sheriff's fees

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

798. (Section 1.) The County Treasurer of Nez Perce County shall receive a salary of one thousand dollars per annum, to be paid quarterly out of the Current Expense Fund of said county, besides the fees allowed by law for receiving and disbursing the Territorial portion of taxes.

How paid.

799. (Sec. 2.) The County Treasurer of said county shall be *ex-officio* Tax Collector, except as is otherwise provided by law for the collection of poll and road taxes, and taxes to be collected by the Assessor, and by the Sheriff after delinquency.

Ex officio collector

800. (Sec. 3.) All laws or parts of laws now in force and not inconsistent with the provisions of this Act, in relation to the collection of taxes, shall be, and the same are hereby made applicable to said Treasurer as Tax Collector; and the County Recorder of said county shall deliver the assessment roll and subsequent assessment roll, in manner and

Laws made applicable.

time heretofore required to be delivered to the Assessor, and the said Treasurer shall make out the delinquent list in the same time and manner as is required in the general law by the Assessor.

Assessment roll.

801. (Sec. 3.) Upon receipt of the assessment roll, the said Treasurer shall at once publish a notice in some newspaper in said county, to the effect that such assessment roll is in his possession for the collection of the taxes levied therein, and the time at which such taxes will become delinquent. Such notice shall also state the time and place where the payment of such taxes may be made, and shall be published for four successive weeks.

Demand for payment of taxes not made.

802. (Sec. 4.) No demand for taxes shall be necessary, but it shall be the duty of every person, subject to taxation, to pay the same at the office of the County Treasurer of said county before the same become delinquent. Such Treasurer or his deputy must attend at the county seat at all times during office hours to receive and receipt for such taxes.

Delinquent list to sheriff.

803. (Sec. 5.) The delinquent list, after having been filed with the Recorder by said Treasurer, shall be delivered by the Recorder to the Sheriff, who shall collect such delinquent taxes in the time and manner as is required in the general laws by the Assessor; and all laws now in force relating to the collection of delinquent taxes, not inconsistent with the provisions of this Act, shall be, and the same are hereby made applicable to the Sheriff of said county.

Sheriff's fees.

804. (Sec. 6.) For his services in collecting such delinquent taxes, the Sheriff shall be entitled to charge and receive fifteen cents per mile each way, for each mile necessarily traveled, and for other services, the same fees as allowed by law for similar services in civil actions, to be paid in all cases by the delinquent taxpayer.

TO PROVIDE FOR THE REDEMPTION OF OUTSTANDING WARRANTS.

AN ACT to provide for the Redemption and prescribing the manner of Redeeming the Outstanding Warrants drawn upon the Treasurer of Nez Perce County, and to provide for the payment of all current expenses of said county.

[Approved January 8, 1887.]

SECTION

805. Taxes, how apportioned.

806. Expenses, how paid.

807. Funds, how applied to payment of debts.

SECTION

808. Notice of warrants to be redeemed.

809. Payment of part of part of warrants.

810. Statement of warrants redeemed.

811. Record of warrants redeemed.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Taxes, how apportioned.

805. (Section 1.) All taxes levied and collected for county purposes in Nez Perce County under and by virtue of the laws of this Territory, including all licenses and revenues from all other sources, except those set apart for school, hospital, and road funds, shall be apportioned as follows: Forty-five per cent. to the current expense Fund, and fifty-five per cent. to the Redemption Fund.

Expenses, how paid.

806. (Sec. 2.) The said Current Expense Fund shall be applied to pay the current expenses of the court-house and jail of said county, and such other lawful expenses as may

be allowed by the County Commissioners for lights, fuel, stationery and printing for county officers, and for bedding, food and clothing for prisoners, for which said county shall be liable and none other. The County Commissioners shall order warrants drawn on said Current Expense Fund for the purposes specified in this section only, and the same shall be paid out of any money in the Treasury belonging to said funds.

807. (Sec. 3.) It shall be the duty of the Board of County Commissioners of said county, at each regular meeting, to examine and ascertain the amounts of moneys on hand in the County Treasury, belonging to the Current Expense Fund. It shall also be the duty of such Board, at any such meeting, whenever the amount of such fund on hand be more than they may deem sufficient to meet the current expenses of the county, taking into consideration the probable future expenses and the time at which other moneys will be probably paid into such fund, to direct, by order, the County Treasurer to transfer such surplus from the Current Expense Fund to the Redemption Fund; and it shall be the duty of said Treasurer to so transfer such surplus, keeping a record thereof, and thereafter the same shall belong to and be a part of the Redemption Fund; *Provided*, that, at the end of any fiscal year, all moneys on hand belonging to the Current Expense Fund, or to the Hospital Fund, shall be immediately transferred to and become a part of the Redemption Fund.

Funds, how applied to payment of debts.

[As amended, Act February 5, 1885.]

808. (Sec. 6.) Immediately after the adjournment of each regular session of the Board of County Commissioners of said county it shall be the duty of the County Treasurer, if there be any moneys on hand in the Treasury belonging to the Redemption Fund, to give notice, in some newspaper published in his county, and by written or printed notice, posted upon the court house, stating therein that he is ready to redeem certain county warrants, giving the number and date of presentation of each, and thereafter interest thereon shall cease; and warrants shall be redeemed in the order in which they have before been presented. The Treasurer shall keep a record of all warrants redeemed, in a book kept for that purpose, specifying the number and amount thereof.

Notice of warrants to be redeemed

[As amended, Act February 5, 1885.]

809. (Sec. 8.) If the money when applied as aforesaid, shall be insufficient to pay the whole of any warrant or warrants, then the Treasurer shall indorse on such warrant or warrants the amount paid thereon, and the date of payment, and shall enter the same in said book, stating the number and amount of such warrants, and the amount paid thereon, and the date of payment. If any such warrant is entirely paid, then the Treasurer shall retain such warrant after indorsing thereon the time it was canceled and amount paid, and make an entry on his said book to the like effect. All warrants not entirely purchased shall be returned to their respective owners.

Payment of part of warrant.

810. (Sec. 9.) At least two days prior to the first day of each regular session of the Board of County Commissioners, the County Treasurer of said county shall make out a tran.

Statement of warrants redeemed.

script of said book and deliver the same, together with the warrants redeemed, to the Clerk of said Board, and shall receive a receipt therefor, and the said Clerk shall produce the same at the next session of such Board of County Commissioners for their action.

[As amended, Act February 5, 1885.]

Record of warrants redeemed.

811. (Sec. 10.) The Board of County Commissioners shall carefully inspect such returns, and if defective, shall cause the same to be corrected, after which it shall be made a matter of record with the number and amount of each warrant so returned; such warrants shall then be publicly destroyed. The County Commissioners shall have the date and manner of their destruction entered in their journal.

PART XIV.

SPECIAL AND LOCAL ACTS APPLICABLE TO ONEIDA COUNTY.

AN ACT creating the County of Oneida.
[Approved January 22, 1864.]

SECTION
812 Boundaries, county seat, location of.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

812. (Section 1.) That all that portion of Idaho Territory within the following boundaries be and the same is hereby created the County of Oneida, to wit: Commencing at the point where the intersection of the meridian of longitude one hundred and thirteen degrees west from Greenwich, with the northern boundary of Utah Territory, and running from thence north along said meridian one hundred and thirteen degrees, to Snake river, thence up said river in an easterly direction to the mouth of Port-Neuf river; thence up Port-Neuf to what is known as the Point of the Mountain, about four miles northwest of Pocatello; thence southerly in a straight line to the top of the range; thence along the crest of the mountains between Malad and Marsh valleys to a point on top of the range, due west of a point one mile south of the present southern boundary of the town-site of Oxford; thence due east to the Bear Lake County line; thence in a southerly direction along the western line of Bear Lake County to the southern line of Idaho Territory, and thence west to the place of beginning along said southern line of Idaho Territory; and the County Seat of said County of Oneida is hereby located at Malad City.

Defining boundaries.

County seat, location of.

[As amended, Acts January 5, 1886, February 9, 1881, and January 13, 1885.]

TO FIX THE AMOUNT OF THE OFFICIAL BONDS OF CERTAIN COUNTY OFFICERS.

AN ACT To fix the amount of the official Bonds of certain County and Precinct Officers and to prescribe official Oaths of Officers.

[Approved December 23, 1884.]

SECTION
813 Bond and oath of officers

SECTION
814 Bonds, amounts of; how executed.

Be it enacted by the Legislative Assembly of Idaho Territory, as follows:

813. (Section. 1) That all officers elected to either of the following offices, to wit: County Commissioners, County Sheriff, County Assessor and Collector, Probate Judge, County Treasurer, County Surveyor, County Coroner, Justices of the Peace and Constables, shall qualify and enter

Bond and oath of officers.

Bonds—amounts
of How exe-
cuted.

upon the discharge of the duties of their respective offices by executing the bond and taking the oath of office herein-after prescribed; *Provided*, that this section in the matter of giving bonds shall only apply to the County of Oneida.

814. (Sec. 2.) That said officers shall give bond in the following sums to wit: County Commissioners in the sum of five thousand dollars each; County Sheriff in the sum of ten thousand dollars; County Assessor and Collector in the sum of fifteen thousand dollars; Probate Judge, two thousand dollars; County Treasurer, fifteen thousand dollars; County Surveyor, five hundred dollars; County Coroner, one thousand dollars; Justices of the Peace and Constables, one thousand dollars each. All official bonds shall be executed by the principal and two or more sureties; and the bonds of County Commissioners shall be approved by the County Recorder in office, and all other official bonds herein named shall be approved by the Board of County Commissioners and so indorsed by the Chairman of the Board. All bonds shall be conditioned for the faithful discharge of duty on the part of the official by whom given, and shall be payable to the people of the United States in the Territory of Idaho; *Provided*, that this section shall only apply to Oneida County.

TO AUTHORIZE THE COUNTY COMMISSIONERS TO ISSUE AND NEGOTIATE BONDS.

AN ACT to authorize the County Commissioners of Oneida County to issue and negotiate bonds, and for other purposes.

[Approved February 4, 1885.]

SECTION
815. Bonds to be issued—How executed.
816. Engraving and sale.
817. Provision for payment.

SECTION
818. Where payable
819. Treasurer to have custody of

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

Bonds to be is-
sued.

815, (Section. 1.) The Board of County Commissioners of Oneida County are hereby authorized to issue negotiable coupon bonds of their county, in the sum of thirty thousand dollars, in denominations of five hundred dollars, bearing interest at the rate of eight per cent. per annum, payable semi-annually, on the first day of January and July of each year, and the principal of three thousand dollars, of said bonds, shall mature and become due and payable on the first day of January, A. D. 1895, and three thousand dollars annually thereafter, until all are paid; and the length of time that each of said bonds runs shall be expressed on the face thereof, and each shall have attached, when negotiated, semi-annual interest coupons, covering the interest thereon, at the rate aforesaid, from the first day of January, or first day of July next after its sale, until its maturity, as expressed upon the bond, and no more. Said bonds shall be signed by the Chairman of the Board of County Commissioners, and attested by the Clerk of the Board and its seal, and countersigned by the Treasurer, and the Treasurer shall number said bonds consecutively, and register the same in a book kept in his office for that

How executed.

purpose, which shall be a public record, and which shall show the amount, dates of negotiation and maturity of each, and the number of coupons attached to each when negotiated, and the Treasurer shall cancel each coupon detached from each bond before it is negotiated, and each bond and coupon redeemed in the presence of the Board of County Commissioners at their next meeting, after any such coupon is so detached, or any coupon or bond is so redeemed.

816. (Sec 2.) The Board of County Commissioners of said county may, immediately after the passage of this Act, secure the proper engraving and printing of the bonds authorized by this Act and shall proceed (or the County Treasurer under their direction) to negotiate and sell the same for cash, and the proceeds shall be placed in the County Treasury and shall be applied to the payment of the outstanding indebtedness of Oneida County, and if any surplus remain after paying off all of such indebtedness, may be apportioned and used under the direction of the Board of County Commissioners in such manner as they may deem proper; *Provided*, that no bonds issued under the provisions of this Act shall be negotiated or sold at less than their par or face value

Engraving and
sale of

817. (Sec 3.) At their meeting in April in each year, said Board of County Commissioners shall make an order setting apart not less than ten per cent, nor more than forty per cent. of all moneys to be collected for county purposes, during the ensuing fiscal year, for the payment of the accruing interest and the principal of said bonds, when the same may fall due, and the sum so set apart shall constitute a fund to be known as the Redemption Fund, and for the payment of the interest and principal of said bonds, according to the terms thereof, all the taxable property of the County of Oneida is solemnly and irrevocably pledged.

Provision for
payment.

818 (Sec. 4.) The principal and interest of all bonds issued under the provisions of this Act shall be paid according to the terms thereof, by the Treasurer of the respective counties, at such place as may be designated previous to their being issued by the Board of County Commissioners of said county.

Where payable

819. (Sec. 5.) The County Treasurer shall have the custody of all funds realized from the sale of said bonds, and shall pay the same out as directed by the Board of County Commissioners, and he shall execute a separate bond, in such sum as may be deemed necessary by the County Commissioners for the faithful performance of the duties required of him by this Act, and shall receive one per cent of all funds realized from the sale of said bonds as compensation for all services required of him by this Act.

Treasurer to
have custody of.

TO LEGALIZE CERTAIN ACTS OF THE BOARD OF COUNTY COMMISSIONERS

AN ACT to legalize the certain Acts of the Board of County Commissioners of Oneida County.

[Approved February 5, 1885.]

SECTION
820. Legalizing Acts of County Commissioners.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

820. (Section 1.) All official acts done and performed by the Board of County Commissioners of the County of Oneida, between the 13th day of January, 1885, and the 23d day January, 1885, are hereby legalized, and are declared to be of as full force and legal effect as though the bill for the creation of Bingham County had not passed prior to the performance of said Acts

TO CONSTRUCT A BRIDGE ACROSS BEAR RIVER.

AN ACT to construct a bridge across Bear River in the County of Oneida.

[Approved January 24, 1885.]

SECTION
821. Where to be built.

SECTION
8-2. When

Where to be
built.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

821. (Section 1.) That the County Commissioners of Oneida County are hereby authorized and empowered to contract for the construction of a bridge across Bear river, at a point directly east of the town of Weston of said county at or near the place where the old Weston bridge was built; *Provided*, said bridge shall not cost more than two thousand (\$2,000) dollars, to be appropriated and paid out of the County Treasury of said county, out of the Bridge Fund of said county.

When.

822. (Sec. 2.) The construction of said bridge shall be commenced not later than the first day of July, A. D. 1885, and shall be completed on or before the first of July, A. D. 1886.

COUNTY COMMISSIONERS OF ONEIDA COUNTY TO LEVY A SPECIAL TAX FOR COUNTY PURPOSES.

AN ACT authorizing the County Commissioners of Oneida County to levy a special tax for county purposes.

[Approved January 10, 1871.]

SECTION
823 Special tax for county purposes

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

823. (Section 1.) That the County Commissioners of Oneida County are hereby authorized, empowered and directed to levy a special tax for county purposes, not to exceed one-half of one per cent. on all taxable property in said county.

Stallions and other animals running at large in Oneida and other counties, See Part 2, Sections 117 to 120.

PART XV.

SPECIAL AND LOCAL ACTS APPLICABLE TO OWYHEE COUNTY.

AN ACT defining the boundaries of Owyhee County.
[Approved February 4, 1864.]

SECTION
828. Boundaries, county seat, location of

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

828. (Section 1.) All that portion of Idaho Territory lying within the following boundaries, to wit: Beginning on Snake river at the mouth of the Owyhee, and running due south along the eastern boundary line of the State of Oregon, to the northern boundary of the State of Nevada; thence east along the northern boundary of the State of Nevada and the Territory of Utah, to the thirty-eighth meridian of longitude west from Washington; thence north with said meridian to Snake river; thence down the channel of Snake in a westerly direction to the mouth of the Owyhee, the place of beginning; be and the same is hereby organized into a county called Owyhee, and the county-seat of said county is hereby located at Silver City.

Defining boundaries of Owyhee.

County seat, location of.

[As amended, Act January 2, 1867, and Act February 20, 1879.]

TO CONSTRUCT A BRIDGE ACROSS BRUNEAU RIVER.

AN ACT to authorize the County Commissioners of Owyhee County to construct a Bridge across Bruneau River, in said County.

[Approved February 7, 1883.]

SECTION
829 Bridge over Bruneau river

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

829. (Section 1.) The County Commissioners of Owyhee County are hereby authorized and empowered to contract for the construction of a bridge across Bruneau river, at some convenient and central point, for the accommodation of the residents of Bruneau Valley in said county, to be designated by said Commissioners, at a cost not exceeding two thousand dollars, to be paid out of the "Current Expense and Redemption Fund" of said county, as other demands against said county are paid, upon the completion of said bridge and its acceptance by said Commissioners; and upon such acceptance said bridge shall be and become a public thoroughfare; but said county shall not be bound to reconstruct or repair said bridge and shall not be liable for damages suffered by reason of any defect thereof; but

Cost of bridge, how paid.

the same shall be a part of the public highways and county roads of said county, and may be repaired under the laws relating thereto.

TO CREATE A JAIL AND COURT HOUSE FUND.

AN ACT to create a Jail and Court-House Fund, and to provide revenue for the same.

[Approved February 3, 1885.]

SECTION	SECTION
830. Tax to be levied.	836. Amount
831. Same.	837. Contract for building.
832. Jail and court-house fund.	838. Proposals published.
833. Moneys appropriated, how.	839. Transfer of moneys remaining.
834. Same.	840. Repealing clause.
835. Bills audited	

Be it enacted by the Legislative Assembly of the Territory of Idaho as follows:

Tax to be levied.

830. (Section 1.) The Board of County Commissioners of Owyhee County are hereby authorized and empowered at any regular meeting, to levy a tax of not less than two and one-half (2½) and not more than five (5) mills upon each dollar of assessable property in the County of Owyhee; said tax to be assessed and collected by the Assessor and Tax Collector of said Owyhee County, as other taxes are assessed and collected.

Jail and court house fund.

831. (Sec. 2.) The tax named in Section 1 of this Act may be levied, assessed, and collected, until the amount hereinafter mentioned shall have been collected and paid into the Treasury of said county.

832. (Sec. 3.) The moneys assessed and collected, as provided in Section 2 of this Act, shall be paid into the County Treasury by the Tax Collector of said county, who shall take a receipt, in duplicate, from the Treasurer for all such moneys so paid, the original of which receipt shall be filed with the Auditor and Recorder of said county by the Tax Collector; and the moneys so assessed and collected and paid into the County Treasury as aforesaid shall be known as the "Jail and Court-House Fund" of said county, and the County Treasurer is hereby required to open an account in the books of his office to be called and known as the "Jail and Court-House Fund" of Owyhee County.

Moneys appropriated.

833. (Sec. 4.) The moneys which shall be paid into said fund shall be used only for the purposes and in the manner prescribed in Sections five and six of this Act.

834. (Sec. 5.) The moneys of said fund shall be used only for purchasing or building a jail and court-house and expenses incident thereto, and for liquidating the expenses of providing a jail and court-house until they shall have been purchased or erected and completed.

Bills audited.

835. (Sec. 6.) All bills against said fund shall be filed with the Clerk of the Board of County Commissioners of said county as other bills are filed, and if found correct by the Board of Commissioners of said county shall be allowed by said Board and paid out of said fund by a warrant drawn upon the Treasurer of said county by the Auditor thereof.

Amount.

836. (Sec. 7.) The amount to be collected for the purchase or building of a jail and court-house, and the expenses incident thereto as enumerated in Section 5 of this Act,

shall not exceed the sum of seven thousand dollars (\$7,000.00.)

837. (Sec. 8.) The contract for the building of said jail and court-house shall be let by the Board of Commissioners of said county, to the lowest responsible bidder or bidders, and the bidder or bidders to whom the contract shall be awarded shall execute a bond to the County of Owyhee with sufficient sureties, in double the amount of the sum bid, for the faithful performance of said contract. Contract

838. (Sec. 9.) All proposals for bids shall be published in a newspaper published in said county, for the period of thirty days, signed by the Chairman of the Board of County Commissioners, and said notice shall give plans and specifications as to size and style of building or buildings, and also mention the kind of material to be used in the construction of said jail and court-house, and any person or persons bidding, shall file his or their bids, sealed, with the Clerk of the Board of County Commissioners of said county on the day named in said published notice for proposals. Proposals published

839. (Sec. 10.) Any moneys remaining in said funds after the said jail and court-house shall have been purchased or constructed and the expenses hereinbefore named shall have been paid, shall be transferred to the Current Expense Fund of said county. Transfer of moneys remaining

840. (Sec. 11.) All Acts and parts of Acts so far as they may conflict with the provisions of this Act, are hereby repealed. Repealing acts.

REGULATING SALARIES AND FEES.

AN ACT regulating salaries and fees and the collection and disbursement of revenue in Owyhee County.

[Approved January 9, 1877.]

SECTION.	SECTION
841. Current expense and redemption funds, all taxes paid to.	845 Sale of moneys; how conducted
842. All county current expenses first paid, and money set apart for	846 Warrants redeemed; description of token
843. All claims and expenses first paid and lists to be made	847. Treasurer shall not otherwise redeem warrants
844. Notice by publication of sale of moneys for warrants	848. Transfer of funds.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

841. (Sec. 9.) All taxes levied and collected in said county for county purposes, including such special taxes as are, or may be authorized by law, all licenses now or hereafter provided by law, all fines and forfeitures, all receipts from toll-roads, bridges and ferries, and all poll-taxes shall after the amount belonging to the Territory has been deducted, be paid into and constitute a fund to be called "Current Expense and Redemption Fund," which shall be disposed of as hereinafter provided and not otherwise; *Provided*, that nothing in this section shall be so construed as to interfere with or relate to the special tax levied for school purposes in said county; *And provided, further*, that there shall be no special per capita tax for hospital purposes levied in said county, but a special per capita tax of two dollars shall be paid by each male inhabitant of said county, over twenty-one and under fifty years of age, for school purposes, and the Board of County Commissioners shall furnish the

Current expense and redemption fund, all taxes go to.

necessary blank receipts, and said tax shall be collected by the assessor at the same time that the poll-tax is collected, and shall be paid in full into the school fund of said county.

All county expenses first paid and money to be set apart for.

842 (Sec. 10.) All the county expenses of said county shall be paid out of said current expense and redemption fund in cash; and any moneys remaining in said fund after the payment of said expenses shall be set apart by the County Treasurer of said county, as hereinafter provided, for the redemption of all county warrants of said county issued prior to the passage of this Act, or which may be issued in payment of any claim which may hereafter be allowed for any service or services, or goods, fuel, or materials furnished for said county, prior to the passage of this Act.

All claims and expenses first paid, and lists made.

843. (Sec. 11.) At each regular meeting of the Board of County Commissioners of said county the board shall audit and allow all claims or accounts that may appear to them to be just, and order payment to be made out of any moneys belonging to the current expense and redemption fund; and at the close of each regular session prior to the adjournment of the Board, they shall cause two lists to be made out of all the accounts so allowed, which lists shall be certified to as correct by the chairman of the Board, attested by their clerk under the county seal; one of which lists shall be immediately transmitted to the County Treasurer, and the other to the Auditor of said county, and a copy of the same shall be recorded by the Clerk of the Board in a book to be provided for that purpose. As soon as the Treasurer shall receive such lists of accounts allowed, he shall set aside from the moneys belonging to the "Current Expense and Redemption Fund" as much as may be necessary to liquidate such claims, and any claims on any prior list of accounts allowed subsequently to this Act, that shall remain unpaid for want of funds, and the remainder of said "Current Expense and Redemption Fund" shall be by said Treasurer set apart for the redemption of outstanding warrants as in this Act provided. The County Auditor shall upon receiving the list furnished him by the Board file the same in his office, and upon application of any person or persons entitled thereto, for a warrant upon the Treasurer, shall draw his warrant upon the County Treasurer for the amount so certified to as allowed, and in favor of the person or persons designated in said list, payable out of any moneys belonging to the "Current Expense and Redemption Fund," the treasurer upon the presentation of such warrant for payment shall carefully compare the same with the list, and if correct shall pay it; but if any discrepancy exists, he shall note the particulars of such discrepancy upon the back of the warrant, and it is hereby made the duty of the auditor upon the presentation of such warrant, to issue a corrected warrant, filing the original in his office, and marking across the face the words "duplicate issued" signing his name thereto, and on the face of the duplicate warrant he shall write in red ink the word "duplicate."

844. (Sec. 12.) The County Treasurer, after each regular meeting of the Board of County Commissioners, shall first set apart sufficient money to pay the current expenses of the preceding quarter, and any claims remaining unpaid on the list for any prior quarter, and after the regular meeting in January of each year, an additional sum of two thousand dollars for the payment of current expenses of the county, until the collection of the revenue for that year; and he shall then ascertain how much money remains in said "Current Expense and Redemption Fund," and, if there be a sum of five hundred dollars or more in the Treasury belonging to such fund, then it shall be his duty to give notice, by publication for two weeks in some newspaper published in said county, or, if there be no newspaper published in said county, then by posting notices in three or more public places in said county, that, on a day specified in said notice, which shall be fifteen days from the first publication or posting of such notice, he will at his office offer at public auction the sum so remaining in said fund for that quarter, after setting apart the moneys to be reserved, as aforesaid, to the lowest bidder therefor, in county warrants of said county; but no moneys coming into the Treasury after the adjournment of the Board of Commissioners shall be sold until after its next regular meeting.

Current expenses

Notice by publication of sale of county warrants.

[As amended, Act January 11., 1883.]

845. (Sec. 13.) On the day specified in said notice at twelve o'clock m. the Treasurer shall proceed to offer at public auction, the money so remaining as aforesaid, and the person or persons offering county warrants of said county, principal and interest included, for any part of said money at the lowest rate or smallest number of cents upon the dollar shall be entitled to such part of said moneys upon the surrender to the Treasurer of the county warrants so bid by him or them as aforesaid, and said auction shall continue until all of said moneys are sold, and the Treasurer of said county shall receive no bid for more than the par value of said warrants.

Sale of money for warrants, how conducted.

846. (Sec. 14.) When any bids are accepted and the warrants surrendered to the Treasurer, the said Treasurer and the County Auditor shall each take a description of the number, date, payee, fund and amount of each of said warrants so redeemed, specifying the amount paid for each warrant, and make a several record thereof in their respective offices, and said Treasurer shall report the same to the Board of County Commissioners at their next regular meeting; and said Board shall thereupon cause a like description to be entered upon their records, and make an order that said warrants be canceled by the Treasurer writing the word "canceled" across the face of each of said warrants, and signing his name thereto; said Treasurer shall thereupon file said warrants in his office and carefully preserve the same.

Warrants redeemed; description of token.

847. (Sec. 15.) It shall be unlawful for the Treasurer of said county to pay any warrants or claims whatsoever against said county otherwise than according to the provisions of this Act; *Provided*, that nothing in this Act shall prevent any payment out of the school fund.

Treasurer shall not otherwise redeem warrants.

Transfer of
funds.

848. (Sec. 16.) The Treasurer of said county shall immediately transfer all funds in his hands belonging to said county, except the School Fund, to said Current Expense and Redemption Fund.

— Tax levy to be made in January in Cassia and Owyhee Counties. See part 2, Secs. 125, 126.

PART XVI.

SPECIAL AND LOCAL ACTS APPLICABLE TO SHOSHONE COUNTY.

SECTION.

849. Defining boundaries of Shoshone

AN ACT defining the boundaries of Shoshone County.

[Adopted February 4, 1864.]

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

849. (Section 1.) All that portion of Idaho Territory contained in the following boundaries, to wit: Beginning at the mouth of the south fork of Clearwater; thence up said south fork of Clearwater to the Lola fork; thence with the Lola fork in an easterly direction to the summit of the Bitter Root mountains; thence in a northerly direction with said range of mountains until said range turns in a westerly direction and is called Couer d' Alene; thence with said Couer d' Alene range of mountains in a westerly direction until a point is attained from which running a line due south will strike the mouth of the south fork of Clearwater; thence to the place of beginning, be and the same is hereby organized into a county called Shoshone.

Defining boundaries of Shoshone.

COUNTY SEAT OF SHOSHONE COUNTY.

AN ACT to provide for the relocation of the county-seat of Shoshone County, and removal and custody of Shoshone County archives and records.

[Approved December 22, 1884.]

SECTION

850. County seat, removal of
851. Transfer of archives.
852. Records, what to remain.
853. Transcript of records.
854. Election.
855. Question submitted.

SECTION

856. Canvassing votes, how done
857. Notice of election and canvass of returns.
858. Commissioners to qualify.
859. Repealing clause

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

[Act, December 23, 1884.]

850. (Section 1.) That the county-seat of Shoshone County in Idaho Territory be, and the same is hereby removed from Pierce City to the Village of Murray, in said county, until the time hereinafter provided in this Act.

County seat, removal of.

851. (Sec. 2.) That the County Commissioners are hereby authorized and empowered to provide for, and effect the transfer and removal of the archives and records of said county now at Pierce City to said Village of Murray, except as hereinafter provided in such manner as they shall deem best, and shall authorize the payment of the expenses of such transfer and removal out of the general fund of said county, as other bills are allowed; *Provided*, that in no case shall the expenses of such transfer and removal exceed the sum of six hundred dollars; and the person or

Transfer of archives.

persons employed by said Commissioners shall give proper receipts to the person or persons in whose custody the said archives and records may be by law at the time of such removal.

Records to remain with a deputy

852. (Sec. 3.) That no records or archives made, filed, recorded or placed in the office or custody of the Recorder of said county, prior to the first day of June, A. D. 1883, shall be removed from said Pierce City, but shall be placed in the custody of a deputy of said County Recorder, who shall reside and keep his office at said Pierce City, and said records and archives shall be kept for public inspection in said deputy's office, subject to the same rules and regulations as are now in force in respect to like records and archives in the County Recorder's office in said county.

Transcript of records.

853. (Sec. 4.) The Recorder of said county is hereby authorized and directed to transcribe into books to be procured for that purpose, such parts of the records and files of said office as relate to location, claims, conveyances or mineral or water rights within what is known as the Pierce City Election Precinct, and keep the same at Pierce City, in said deputy's custody, and such transcript shall have the same force and effect and be of the same degree of evidence as the original files and records; *Provided*, that such transcripts shall only be made in cases where the said records so relating to location, claims, conveyances, mineral and water rights shall be contained in a book of records, in which also are contained records of matters relating to precincts other than said Pierce City Election Precinct, and said transcripts shall be made before the removal and transfer of the records and archives provided for in Section 3 of this Act, and the said Recorder shall be entitled to receive payment for the making of such transcripts; the fees now allowed by law for making certified copies of records, and his bills for such services shall be audited by the Board of County Commissioners, and paid out of the general fund.

Election.

854. (Sec. 5.) A special election shall be held in said Shoshone County on the first Monday in June, A. D. 1885, which special election shall be conducted in the manner and be governed by the laws relating to general elections.

Question submitted.

855. (Sec. 6.) At said special election the question of the permanent county seat of Shoshone County shall be submitted to and voted upon by the qualified voters therein. The words "For County Seat" shall be written or printed upon the ballot, and the town or place desired by the voter shall be written or printed opposite or under the words above mentioned and required.

Canvassing votes, how done

856. (Sec. 7.) In canvassing the vote on the location of the county seat, ballots shall not be rejected because of any error in the orthography or informality therein, if it can be clearly ascertained from the ballot what was intended by the voter; but where two or more ballots are folded together they shall not be counted, and upon the canvass of the vote by the Board of County Commissioners, the town or place receiving the highest number of votes shall be, and is hereby established and confirmed as the permanent county seat of said Shoshone County. In case no choice is made at

said special election, the question shall be again submitted at the next general election thereafter.

857. (Sec. 8.) The County Commissioners of said county shall cause notice to be posted in the manner provided in the general election laws of this Territory. They shall cause suitable poll-books and returns to be prepared and furnished to the Judges of Election of the several precincts in said county and may establish such new election precincts as in their discretion they deem best. They shall appoint judges of election at their regular session in April, A. D. 1885, for all the precincts in said county, as required in a general election. The canvass of said ballots shall be made and the same proceedings taken by the Judges and Clerks of election as in general elections, and the poll-books and check lists shall be, immediately after said canvass, sealed and directed under cover to the Clerk of the Board of County Commissioners and deposited in the nearest post office, and it shall be the duty of said Judges to indorse on the outside of said package before mailing the same, the words: "Election Returns of — Precinct." On the fourth Monday of June, A. D. 1885, said Board of Commissioners shall meet in said village of Murray and act as a Board of Canvassers and declare the result of said special election, and if it shall be ascertained from such canvass that any town or place has received a plurality of the votes cast, such town or place is hereby declared to be the legally established county seat of said Shoshone County.

Notice of election and canvass of returns

858. (Sec. 9.) The persons elected at the general election held in said county on the fourth day of November, A. D. 1884, to the office of County Commissioner, may qualify for said office by taking and subscribing the usual oath of office before some officer duly authorized to administer oaths in said village of Murray, on or before the second Monday in January, A. D. 1885, and shall hold their first session upon that day in said Murray, and transact such business and take such action as they might or could lawfully take were such session held at said Pierce City.

Commissioners to qualify.

859. (Sec. 10.) All Acts and parts of Acts in conflict with this Act are hereby repealed.

Repealing clause.

TO CREATE A CONTINGENT FUND IN SHOSHONE COUNTY.

AN ACT to create a Contingent Fund in Shoshone County.

[Approved January 8, 1881.]

SECTION

860. For printing, stationery, etc.

SECTION

861. Surplus, transfer of.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

860. (Section 1.) That five per cent. of all moneys in the General Fund in the Treasury of Shoshone County shall constitute a contingent fund, subject to the order of the County Commissioners, to defray the expenses of printing, the purchase of books, stationery, fuel and all other contingent expenses of said county.

For printing, stationery, etc.

861. (Sec. 2.) That the remainder of said Contingent Fund (if there be any), at the close of each year, be transferred by said Commissioners to the General Fund of said county.

Surplus.

LEVYING AND COLLECTING OF A HOSPITAL TAX.

AN ACT to provide for the levying and collecting of a Hospital tax in Shoshone County.
[Approved December 16, 1876.]

SECTION

862. Hospital tax.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

862. (Section 1.) The Board of County Commissioners of Shoshone County, are hereby empowered and required to levy and cause to be collected in the same manner and at the same time as other per capita taxes, and by the same officer provided by law for the collection of per capita taxes, a special per capita tax of two dollars for each and every taxable inhabitant in said county. Said tax, when collected, to be appropriated to the care and maintenance of the indigent sick, idiotic and insane persons in said county.

PAYMENT OF OUTSTANDING ROAD WARRANTS.

AN ACT providing for the payment of outstanding Road Warrants in Shoshone County.
[Approved February 5, 1885.]

SECTION

863. Road warrants, payment of.

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

863. (Section 1.) That all warrants heretofore drawn on the Road Fund of Shoshone County, and now outstanding and unpaid, together with the interest due thereon, shall be paid out of the General Fund of said county.

PART XVII.

SPECIAL AND LOCAL ACTS, APPLICABLE TO WASHINGTON COUNTY.

AN ACT to organize the County of Washington.
[Approved February 20, 1879.]

SECTION

864. Boundaries
865. Exempt from control of Ada County.
866. Books of record
867. Indebtedness apportioned.

SECTION

868. Warrants for payment of
869. Special tax for payment of.
870. County seat, location of

Be it enacted by the Legislative Assembly of the Territory of Idaho, as follows:

864. (Section 1.) That all those portions of Territory of Ada and Idaho Counties, in the Territory of Idaho, embraced and included within the following lines, to wit: Commencing at a point in Snake river where the second standard parallel "U. S. Survey" intersects the same; thence east along said line to where said line intersects the line dividing Boise and Ada Counties; thence northerly upon said boundary line to the summit dividing the waters of the Payette and Weiser rivers; thence along said divide in a northerly direction to a point on said divide where the waters flow into Little Salmon; thence in a northeasterly direction on a low divide separating the waters of the Little Salmon and Payette rivers to a point easterly from the northern point of Little Salmon meadows; thence westerly passing the northern point of Little Salmon meadows, to a point on the summit of the divide between Little Salmon and Snake rivers; thence in a southwest direction to a point opposite the mouth of Cliff river; thence up the center of the channel of Snake river to the place of beginning, be, and the same is hereby organized into a county, to be called the County of Washington. Boundaries.

865. (Sec. 2.) The said County of Washington shall, from and after the passage of this Act, be exempt from all jurisdiction and control of the officers of Ada and Idaho Counties except that all taxes heretofore levied upon any person or property by the counties last named, and which have not been paid, may be collected in the same manner as though this Act had not been passed. Exempt from control of Ada county.

866. (Sec. 3.) The Recorder of the County of Washington, who shall be hereafter elected, is hereby required to transcribe into books to be procured for that purpose, such parts of the records and files of Ada and Idaho Counties as relate to matters within the county created by this Act, and the same shall have full force and effect, and be of the same degree of evidence, as the original files and records. Books of record.

867. (Sec. 8.) The County of Washington shall pay to the Treasurer of Ada County, a just and equitable proportion of the debts for which the said County of Ada is now liable; and the Auditors of said Counties of Washington and Ada shall, on or before the first Monday in May, one thou- Indebtedness apportioned

sand eight hundred and seventy-nine, [meet] at Boise City, in the County of Ada, and apportion the same, and ascertain the amount to be paid as aforesaid, from the assessment rolls of said county for the year one thousand eight hundred and seventy-eight, and in case the said Auditors shall be unable to agree as to such apportionment, they shall refer the matter in difference between them to the judge of the second judicial district, who shall determine the same, and such determination shall be final; *Provided*, that all moneys apportioned to the several school districts within said County of Washington, and in charge of the Treasurer of Ada County at the time of the passage of this Act, shall be subject to the demands of the trustees of said district the same as if this Act was not in force.

Warrants for
payment of.

868. (Sec. 9.) That when the amount required by this Act to be paid by the County of Washington, to the County of Ada, shall have been ascertained and adjusted as herein provided, the same shall be reported to the Board of County Commissioners of Washington County, and thereupon the County Auditor of Washington County, shall draw the warrants of the County of Washington, in sums not exceeding five hundred dollars each, for the total amount of such indebtedness, and shall deliver the same to the County Treasurer of Ada County, in payment of the indebtedness of Washington County to the said County of Ada, and said warrants shall draw interest at the rate of ten per cent. per annum, and be paid as hereinafter provided.

Special tax for
payment of.

869. (Sec. 10.) The Board of County Commissioners of Washington County shall, at the time of levying taxes for the year 1879, and annually thereafter, levy a special tax of not to exceed five mills on each and every dollar of taxable property in said County of Washington, which shall be a permanent sinking fund, and shall be paid by the Treasurer of Washington County, as soon as collected, to the Treasurer of Ada County, in satisfaction of said warrants; and when the whole sum of indebtedness shall be satisfied, from the proceeds of said special tax, or in any other manner provided by the County of Washington, said special tax shall cease.

County seat, lo-
cation of.

870. (Sec. 11) That at the special election as is provided for in Section 6 of this Act, the question of the permanent location of the county-seat, shall be decided by the vote of the people, citizens and resident in the said County of Washington.

TO PROVIDE FOR THE POOR IN WASHINGTON COUNTY.

AN ACT to provide for the poor in Washington County.

[Approved February 5, 1885.]

SECTION.

871. Poor farm; poor house,

Be it enacted, by the Legislative Assembly of the Territory of Idaho:

Poor farm.

871. (Section 1.) The County Commissioners of Washington County are hereby authorized to purchase a farm in Washington County, not to exceed one hundred and sixty acres nor to be less than eighty acres in area; said purchase to be made as soon as practicable after the passage

of this Act; and as soon as practicable after such purchase, suitable buildings for the maintenance and keeping of the poor of said county shall be erected thereon, if such buildings are not already on the land at time of purchase. The conveyance of said farm shall be made to Washington County, and the entire original cost of said farm shall not exceed two thousand dollars, which shall be paid for by said Washington County in county warrants drawn on the Current Expense Fund of said county, said warrants to be paid by the Treasurer of Washington County in their regular order of presentation and registration.

The said farm when so purchased shall be known as the Poor Farm of Washington County and the house thereon as the Poor House, and the same shall be under the management and control of the County Commissioners, subject to the limitations contained in this Act. They may also make such rules and regulations as they may deem proper, not inconsistent with law, in relation to the support and maintenance of the poor of said county at said poor farm.

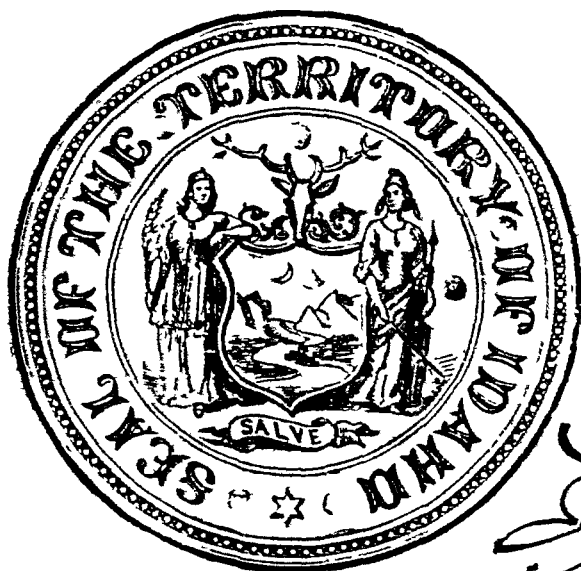
- Poor house.

Management.

CERTIFICATE.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY, }
OFFICE OF THE TERRITORIAL SECRETARY. }

I, Edward J. Curtis, Secretary of the Territory of Idaho, do hereby certify that the foregoing printed volume contains all the special and local laws of Idaho Territory, passed prior to the Fourteenth Session of the Legislative Assembly, named in, attached to and continued in force by Joint Resolution number 63, approved February 10, 1887, as copied from the original manuscript as the same appears on the files in my office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the Territory.

Done at Boise City, the capitol of Idaho, this thirty-first day of August, in the year of our Lord one thousand eight hundred and eighty-seven, and of the Independence of the United States of America, the one hundred and twelfth.

A handwritten signature in cursive script, reading "E. J. Curtis".

Secretary of Idaho.

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